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Ontario

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ISSN 1180-4335

Legislative Assembly of Ontario

Second session, 35th Parliament

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Official Report of Debates (Hansard)

Wednesday 25 November 1992

Journal des débats (Hansard)

Mercredi 25 novembre 1992

Standing committee on government agencies

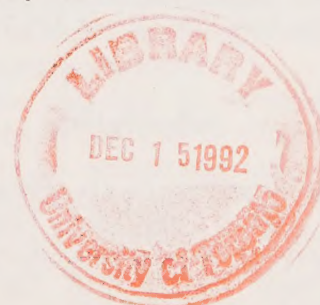
Ontario Municipal Board

Draft reports

Comité permanent des organismes gouvernementaux

Commission des affaires
municipales de l'Ontario

Rapports préliminaires



Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 25 November 1992

The committee met at 1007 in room 228.

ONTARIO MUNICIPAL BOARD

Resuming the review of the Ontario Municipal Board.

The Vice-Chair (Mr Allan K. McLean): I call this meeting of the government agencies committee to order. This morning we're dealing with the first witness, Dale Martin, provincial facilitator, urban economics development secretariat. Mr Martin, would you like to have a seat. If you have any opening remarks, we'd be pleased to hear them. This will be an hour review and we will split what time is left after your introductory remarks between the three parties.

Mr Dale Martin: The only remarks I really have are with respect to the draft recommendations that this committee's come forward with. I'd simply like to say that, in general, I support the thrust of the recommendations. It seems to me you do have a difficult time in that the Sewell commission report will have a considerable impact on the Ontario Municipal Board and its mandate, and depending on what judgements are made about the Sewell recommendations, the administration and jurisdiction of the board will presumably change accordingly.

I'd specifically like to underline my support for recommendation 1, which is the removal of some of the land use issues the board currently deals with, minor variances in particular, as being matters that shouldn't be before the board and that occupy an awful lot of the board's time.

It would be interesting, I think, to look at the history of the Ontario Municipal Board primarily from the point of view that at one time, I suspect, its business was not quite as dominated by land use planning matters as it is today. It was really an omnibus board to deal with appeals from municipal councils on a range of issues. It is time to look at removing an awful lot of those issues from the business of a tribunal that's as significant as this in land use planning matters. In so doing, I think we would address some of the backlog difficulties the board has.

I would like to inform the committee on the matter of alternative dispute resolution. You have, as recommendation 2, a suggestion that the Minister of Municipal Affairs ask me to consider alternative dispute resolution techniques. I should report to the committee that we're right now in the middle of developing a pilot mediation project that is intended for launch in the spring of 1993. The project will be at the local level and will ultimately require, we hope, a mediation step prior to an OMB hearing being undertaken. An appeal of a municipal council should, in our view, remain at the local level for one attempt at mediation prior to a meeting of the board occurring.

In our view, this would result in a lot of hearings being unnecessary, either because individuals who appeal discover in the course of the mediation that an OMB hearing is not a

potential remedy to their problem, individuals who appeal have an opportunity prior to an OMB hearing to have their concerns satisfied through a mediation process, or finally, individuals who appeal would have an opportunity to have the issues they want to address at an OMB hearing narrowed, and in so doing reduce the amount of time the OMB has to manage a hearing into an appeal.

We've struck an advisory committee that includes members of the private development industry, members of the environmental community, members from two other ministries and members from the Sewell commission and the Ontario Municipal Board to act as a group to oversee the mediation pilots and to essentially determine whether or not the overall project is worthwhile as a project that could be generalized and applied to the planning approval process or whether changes should be brought to the way the mediation pilots operate to improve their performance.

We are working with three municipalities at this point and expect that these three municipalities will host the pilots. They are the city of Toronto, the city of Nepean and the city of Kitchener. I can only report that all parties to this are very enthusiastic about the idea of proceeding with a pilot and the prospects of the pilot actually reducing significantly the amount of time the OMB has to spend with many of the approvals, and see it as a way of involving the general public more actively in resolving some of the concerns they have with development projects as approved by municipal councils.

So essentially what I'm saying is that we are about to run an experiment in alternative dispute mechanisms or techniques that we think will be productive and that will act as somewhat of a beacon for recommendations coming out of Sewell. That's one of the reasons that I think the commission has decided to involve itself in the advisory role.

The only other introductory comment I'd like to make is with respect to intervenor funding. I agree with the comments in the paper as I see them, which are that if intervenor funding is entertained it should be restricted to major planning matters, probably parent official plans, and that there needs to be a fair amount of scrutiny as to the merit of intervenors being supported.

I agree with the idea that the Intervenor Funding Project Act is probably the way to finance intervenor funding, but prior to any commitment to intervenor funding you probably want to look at the effectiveness of some of these alternative dispute mechanisms. You want to look at whether it's more useful to invest money, whether it be applicants' money or proponents' money or public money, in other ways of solving public concerns with development proposals than major battles at the OMB.

So with those introductory remarks, I'm happy to entertain questions or discussion.

The Chair (Mr Robert Runciman): Thank you, Mr Martin. Who wants to lead off? Mr McLean.

Mr Allan K. McLean (Simcoe East): I would like to follow up on your last—you were talking about intervenor funding. I'm curious to know your feeling with regard to how that should be applied and who would qualify for it.

Mr Martin: I've had, I guess, some experience with it all the way back through being a municipal councillor. There has always been a difficulty with the proponents of large-scale developments appearing at the board with well-funded cases and significant witnesses that they were paying for while the general public felt at a considerable disadvantage in making their case to the board, and the need to redress the balance in some way.

Unlike the current arrangements where the board essentially only hears from individuals or incorporated organizations, it seems to me that qualification for intervenor funding should probably be restricted to community organizations that are bona fide. That test could be applied in the same way that I think it's currently applied with the environmental assessment process to intervenor funding. So you have to establish your bona fide as a representative organization before intervenor funding should be advanced, it seems to me. But I'm not pretending it's an easy issue, because it isn't.

Mr McLean: Right. The other question I have is the OMB hearings, with regard to allowing the OMB to make a decision without going to a full hearing such as on a land severance, that type of thing: a small, forthright issue under the zoning bylaw of a municipality. What is your thought on that?

Mr Martin: I agree with the recommendation here which says those matters should not be before a tribunal hearing of the board, that other ways of resolving appeals—

Mr McLean: If that happened, what time would you take off the process now?

Mr Martin: I think it's fairly significant. If you look at the OMB's current schedule, it's dominated in many respects by matters that are fairly small—I guess neighbour-to-neighbour disputes.

I should say that there are other changes being made in the approvals process that will presumably improve performance at the board. These include the publication of guidelines so you have clear criteria, clear policy statements of the government, essentially creating a much clearer idea as to what is good public policy and not good public policy, and therefore creating a domain within which individuals will have to make different kinds of judgements about appealing—right now, things are open-ended enough in most cases that people are quite content to appeal on just about anything—and making it easier for the board to make decisions about many of these matters. Again, currently the board has to spend a lot of time exploring the issue of public interest and it occupies an awful lot of the board's time.

Mr Robert Frankford (Scarborough East): The OMB and land uses have considerable interest in my area of Scarborough East. It sometimes seems that's the major item of general discussion. Certainly, the question of citizens getting a voice is, I think, a major thing.

I was interested to hear what you say about intervenor funding, and I wonder about some other ways of doing this. I wonder whether, instead of funding, it might be good if the OMB could have some planners available to community groups. In my observations, the community groups are often really poorly prepared. They don't know the whole procedure. They don't really understand that the OMB is a quasi-judicial tribunal. They don't understand that it really goes by rules of evidence. So I think in many cases they're at a real disadvantage just in understanding the process, but then also in understanding how to make their best case.

1020

I think you often see the arguments going around density and I wonder whether some of this is just the fact that density is something which is quantifiable and so you can always argue that the density is too high or too low. But this, I think, very much restricts the debate. Good urban planning is much more than density. You can certainly see a case in which good urban planning is really quite dense and where the outcome is very good, but I don't see that that sort of debate, which I think requires some input and some time taken by people who have backgrounds and training in planning, is needed.

Would you like to comment on some of those things?

Mr Martin: On the first issue, and sort of repeating what I said about Sewell, the context within which the board operates is really going to be a critical piece. If you have lots of communities that don't have parent official plans or contemporary parent official plans, then you have all sorts of official plan amendments coming forward and you have fairly unhappy neighbourhoods because they're unsure about the future of their own living space, if you like. So it's a very fractious, difficult circumstance within which people try to defend or understand their own future.

If we have a much more coherent regime of parent official plans, provincial policy and relationships between those things and capital funding, then you have an environment within which many of the anxieties that individuals currently have about changes in the planning regime will be taken out of the process and they won't see that as the only way to achieve a remedy to their concern.

The other thing I think that's important is the mediation step. I think you will find that in the mediation step there will be an opportunity to focus an organization's or individual's concern, to let them know what they can and can't get satisfaction from the board around and the way to marshal their case.

I'm not sure that we want to give that responsibility to the board itself. I'm not sure that you want the tribunal to be responsible for informing, bringing up to speed, counselling and all the rest of it, either of the parties to the tribunal. But I think that local government and provincial government, which have interest in good planning, might be the level at which assistance is advanced in a generic way to people making interventions. This is why we have a preference for a first mediation step to occur at the local level and not let the thing drift to the board before a mediation step occurs. We would prefer that the local government has

involvement in that first reconsideration of its decision through mediation.

Mr Bernard Grandmaître (Ottawa East): Mr Martin, I'd like to talk about your responsibilities as a facilitator. Where do you enter the picture?

Mr Martin: Generally, after a local government has made a decision and it is with the province at that point. So local or regional governments make land use planning decisions and the province, if it's an official plan amendment or some areas of responsibility, plans of subdivision, gets involved, and then I click in at that point.

Mr Grandmaître: Once the municipal government has made up its mind on a project and the Ministry of Municipal Affairs has, let's say, somewhat approved, or what?

Mr Martin: Or not approved.

Mr Grandmaître: Well, if they don't approve it, where do you fit in?

Mr Martin: I fit in, if we're talking about individual projects—

Mr Grandmaître: Yes.

Mr Martin: My office has four or five parts to its mandate. One of the main pieces is definitely individual projects. It's when government approval agents—the three or four main ones being Municipal Affairs, Ministry of the Environment, Ministry of Natural Resources and OMAF, Ontario Ministry of Agriculture and Food—once they have seizure of a project and are trying to make a decision on whether or not it should go ahead, by and large, that's when I get involved, trying to resolve interministerial issues, concerns around public policy, certainly involving the development industry itself directly in resolving those concerns.

It may be an environmental issue that a developer's having difficulty getting a decision out of the Ministry of the Environment on. My office gets involved or I get involved directly in trying to resolve the ministry's concerns in the context of the developer's objectives.

Mr Grandmaître: Recently I met with some of the executive members of AMO and they're quite concerned with what's happening right now in this province as far as planning is concerned. They seem to think they're being left out, not consulted. They're expecting some major changes in the Planning Act at the OMB level and they are very uncertain at the present time where they would fit in. They think they're being left out of some of the major decision-making you people and this government are going through.

You've experienced this as a former municipal councillor and you had your own opportunity of criticizing former governments and ministries of Municipal Affairs in the past—

Mr Martin: Never, never. As I remember, I was always supportive.

Mr Grandmaître: It depends on what side of the fence you were. But tell me, in the last two years, how has this improved? What has this government done that's so different?

Mr Martin: I can speak specifically about my office but I'll speak about both my office and, I guess, Sewell, which I don't have direct involvement in whatsoever.

Mr Grandmaître: That's my next question.

Mr Martin: Okay. The main changes that are being entertained are growing. They're going to grow out of the Sewell commission's work. I'm surprised AMO doesn't think it's being heard or involved, in that I've been at AMO-sponsored conferences and local municipal conferences in which there seems to be a high degree of happiness with the real, tangible, hands-on involvement it's having with both Sewell and with the work of my office.

Over the last two years, Sewell has been announced. But in addition to that, in April of this year, as you know, urban economic recovery initiatives were announced and my appointment was a part of that. Since then we have undertaken, I guess, three pieces to my mandate.

First, individual projects, expediting them through the planning process and it's well along. We have about 70 projects on average on the plate at any one time. The first set we were given was one from the Premier himself, the Palladium project in Ottawa, which we successfully expedited, and a list of Urban Development Institute red tape projects, as they're called, which we also expedited. You can consult with the Urban Development Institute, but I think it's quite happy with our ability to move its projects through the process.

Second, improving the way the system performs, development approval generally: We are working with core teams of ministry officials, which I think have shown to be very effective ways of moving approvals through the system and changing the culture of decision-making, really, in the development approval business.

We've had eight of 11 meetings with the industry called Building on Success seminars that again had been extremely successful opportunities for the industry and approval agents to meet and change the nature of their relationship and begin to identify ways of improving the way the system operates. We're calling them best practices and we've already begun to implement some of those best practices, including a new approach to complete applications and a new approach—the mediation pilot grew out of those series of meetings that have been going on.

The guideline publications are continuing and we expect in March 1993 to have consolidated guidelines representing the criteria that government expects to have met in approving developments. Again, the industry, as far as I'm aware, is very happy with that as is municipal government.

Backlog strategy: We are again working in a corporate way at eliminating over a six-month period three years' worth of backlog in the approval business.

The third piece of mandate is generic issues that are barriers to development, whether it's water and waste water capacity which, as you know, in eastern Ontario is a big issue, or school capital funding. We are again working with municipalities to find answers to those problems and I expect in many cases before Christmas to find some really key solutions. Kingston township, which has had a serious

problem with capacity, is now very happy, I think, to see some forward motion on its concerns.

So we are doing really three things: individual projects, improving the way the system performs and attacking or tackling generic difficulties. In all cases, we are doing it in partnership between the industry and local government.

1030

In my experience with AMO, both the AMO committee I've appeared at two or three times and the AMO convention indicated a fair amount of happiness with the initiatives that have been taken. I should add that we're very interested in any suggestions for improvements to the way we're working. We've indicated that quite openly and feel the government is very flexible and open to bringing whatever improvements can be brought to achieve the overall objective, which is urban economic recovery.

Mr Grandmaître: The last time I met with—before I go on to John Sewell. I won't take too long.

The Chair: What I'm going to suggest here is—

Mr Grandmaître: A time limit.

The Chair: —that we try to have a maximum of 10 minutes and try to go in rotation so everyone has a chance.

Mr Grandmaître: Where am I at?

The Chair: You have another two or three minutes.

Mr Grandmaître: Okay. Let me give you an example, for instance, the basement apartments legislation, whenever it comes through. I met with AMO on that particular problem. They said, "Look, we weren't consulted." They think, and rightly so, that this is interfering in a municipal decision-making process or the planning process. Don't you agree this government is interfering in municipal planning?

Mr Martin: As I said, I'm not here to make political statements since I'm not a politician.

Mr Grandmaître: You're not a politician? When did you quit?

Mr Martin: I'm the provincial facilitator for urban economic development. I took my hat off.

Mr Grandmaître: But you kept the same suit.

Mr Martin: Actually, this is a new suit. Don't you like it? I normally wear doublebreasted blue.

On the matter of housing policy, I think I've indicated in the past that I support the idea of housing intensification, and the idea of using section 3 as a clear policy statement is useful. I think there are probably implementation issues around that section 3 that need to be worked through and, as I understand it, there's a willingness to do that on the Ministry of Housing's part. I'm not in the Ministry of Housing and therefore am at somewhat of a loss to comment in any detail on your question.

Again, I can only say that certainly my office sees cooperation between all of the parties involved in development as being critical. I think we've practised that and I think we've been quite successful at achieving levels of partnership that are useful to the overall task.

The Chair: We can come back to you.

Mr Grandmaître: Good.

Mr Chris Stockwell (Etobicoke West): Sometimes I have a tough time recognizing some of the members I used to know as members of council. Intervening funding is a curious one, considering you came from a council where if they told you had a nice suit, you'd give them intervening funding.

The one issue I wanted to address right off the top was the Bob Rae "Let's write a letter to the OMB" deal "and move my case up" and so on and so forth. I'm not asking you to make a political statement, but it seems to me that you were put in place to facilitate these kinds of developments: big development, big city, problems going ahead, big numbers, jobs. Isn't that your job?

Mr Martin: Yes, and I did work on it.

Mr Stockwell: I know, but isn't it your job to write those kind of letters to facilitate the movement to get it up there, like the Palladium in Ottawa where it got bumped up and dealt with right off the top?

Mr Martin: Yes. In terms of scheduling OMB hearings, I am directly involved in that in the sense that we have indicated to the board—and we are not directing the board in any way. We're simply saying to the board, "Here is a project that we think is important to schedule early, if you can schedule it, because it's got economic impact," and all the rest of it. That's precisely what I did in the case of the York city centre. Again, private members who send letters to the board encouraging it to hear hearings ahead of time I don't have any involvement in.

Mr Stockwell: No, but I just want to be clear that that's what I saw as part of your job description.

Mr Martin: Absolutely. Part of my mandate is signalling to the board—

Mr Stockwell: —which are important and which—

Mr Martin: —what projects get priorities, a list of priorities that are public, and that the industry understands and saying simply that this project is a project that hits that list.

Mr Stockwell: I thought that. Mr Cooke in the House said I didn't know what your job description was and I was convinced that was part of it, so I'll have to explain to Mr Cooke that he doesn't know what your job description is.

The next thing I have a concern with is with respect to awarding costs. There are tons of frivolous cases brought before the OMB. I know you're one who must have a feeling on the cost issue, of awarding costs at the OMB, since you're one of the few people who actually had costs awarded against you. I think it was on the railway lands in the city of Toronto, was it?

Mr Martin: It was immediately adjacent, the World Trade Centre.

Mr Stockwell: World Trade Centre; the OMB called it a frivolous action and awarded costs against you to the developer. It seems to me that it's a good option for them to have, because it does make somebody think twice if he's going to go to the OMB with what I would consider or others would consider a vexatious, frivolous action. What do you think about awarding costs?

Mr Martin: I think the board has the power to do it now and doesn't. They did it in my case because I was a municipal councillor, and there's a lot of debate about whether or not that was a good basis on which to do it. But they did it, and that's over with. The fact of the matter is, if you use that as the instrument for really managing the board files, I think you probably knock out an awful lot of people who have a legitimate concern that needs to be heard by the board.

I think the better way of doing it really is to have a mediation step that addresses genuine concerns that people have but don't have an opportunity to address between a council decision and a board hearing. I think we'll take a lot of it out through that step.

If we're talking really frivolous and it's obviously frivolous, the the minister, if it's an official plan, has the opportunity to knock it out, and that's done in some cases. But again it's very difficult—

Mr Stockwell: Few and far between.

Mr Martin: —in terms of rights. But the most important thing to me is to eliminate delay. If delay is taken out of the formula, if it's not a substitute for public policy, which is what it's become because of the long delay in the process, then there is very little incentive to make frivolous objections, because they don't have any consequence in that case. If you can get to a hearing reasonably quickly and the board can make a decision on an objection being frivolous on the basis of evidence, then I think you have a major discouragement. The only reason that frivolous objections have impact now is because of the problem with delay. To me, the main response to that, rather than removing people's rights or threatening them, is to eliminate the delay factor.

Mr Stockwell: Yes. I'm not—

Mr Martin: All I'm saying is that I think it's a tough judgement.

Mr Stockwell: Yes, it is a tough judgement, and I'm not in disagreement. There are some councillors who've built careers on being able to delay projects that came forward, and I can think of one I sit across the floor from in the House. Ruth Grier has literally built a career out of delaying the lakeshore development in Etobicoke through a whole pile of processes.

The problem I have is that it seems to me, rather than hiring somebody like you who is going to get the teams together, whether it's the Ministry of Natural Resources or the Environment or so on, why the hell can't we just put in place a process where decisions can be made in a reasonable and equitable time frame rather than paying you whatever we're paying you and staffing you and putting an entire office in place?

It seems to me that if you just went to the ministries and said, "Look, it just isn't reasonable to take this length of time to assess this project," it makes a lot more sense than another layer of bureaucracy. Whether you like it or not, that's in effect what you become.

Mr Martin: Right. Just to deal with the question, my appointment is a short-term appointment. It's a two-year appointment.

Mr Stockwell: So were taxes, Dale.

Mr Martin: Yes. As a member of the Legislature, you will have an opportunity to decide whether to extend it or not. I don't know that I will be the person; it's the office rather than the individual that you're really talking about anyway.

Mr Stockwell: Yes, that's right.

Mr Martin: Interestingly enough, and you might want to test this with people in the development industry, there's a strong feeling that when the Conservatives were in power they had an equivalent office, the facilitator—less official, but Milt Farrow performed the function specifically around housing development—and that removing that office for a short period failed to do the job. Somebody who could coordinate or manage the projects that inevitably are going to be difficult and allow them to smoothly pass through the process is something you need to have. That's again something you can decide.

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The fact of the matter is that today there is a difficulty, and we are trying to improve the way that development decisions are made in general. That's part of what my office is doing. You're going to be able to make the judgement not that far from now, probably in the next six to 12 months, as to whether a smoothly running development approval process on its own is adequate; no need for the facilitator once you have that. You're going to be able to make that judgement partially as a result of the work in my office.

I think it's a judgement you should make. I completely agree with you. I think the jury is out on whether or not you need a provincial facilitator function, but I think it's pretty clear that at the time it was appointed, it was a useful thing to have appointed. There are people in the world who believe that when the Conservatives were in power, they had this and it was a good thing to have.

Mr Stockwell: Lastly, I've been following some of the public thoughts of Mr Sewell with respect to his review. It's tough to follow where he is, when he's coming back and what he's talking about, as usual. He's a bright guy, I don't deny it, but at one point he said—correct me if I'm wrong—"Maybe we don't even need the OMB." He was talking about abolishing the Ontario Municipal Board. Any thoughts on that?

Mr Martin: We haven't seen his final recommendations. Again, I think it's a difficult question. The problem with positioning the board, and everyone acknowledges this is the problem, is that you have a series of democratically elected governments making decisions, potentially being second-guessed by a tribunal of provincial appointees. That is going to be an ongoing difficulty.

When I was on municipal council, like every other municipal councillor I was unhappy about that but at the same time acknowledged that there needs to be some kind of an appeal step. So the question is, "What's the alternative to the board," rather than, "Can the board be criticized for being a second-guesser of democratically elected governments?" It obviously is a second-guesser of democratically elected governments in performing an important appeal function. I don't have a ready answer to that.

You're right: Sewell obviously started off in the classic municipal politician's position, saying, "We don't need the board," but in doing a more general review of Planning Act amendments that might be brought, he came to the opposite conclusion that you probably don't need the provincial approval agents playing the role they've played. I think we're going to have to wait and see what his final recommendations are. If you look at his first round of recommendations, they involved waste-water septic and taking them out of the development formula. After consultation, he changed his mind on that, which I think is a good sign rather than a bad sign and responds in some respects to Mr Grandmaître's concerns about municipal politicians.

I don't think the final set of recommendations from Sewell is available yet. I think it will be very interesting to look at them when they're available. The difficulty of dealing with the second-guessing role of the board is demonstrated by the fact that he has gone himself from being opposed to being supportive of the board playing a role in plan approval.

The Chair: We can come back to you in the next round, Mr Stockwell. Mr Marchese.

Mr Rosario Marchese (Fort York): Basically, what I'm hearing from Bernard and Chris, it seems the questions they're focusing on are rather negative. The focus of Bernard is to say, "There appears to be interference," and from Chris a number of other questions that I think are very negative, "Let's look at a process instead of having Dale do this." I thought what Dale Martin was doing was looking—

Mr Stockwell: He's a negative guy, though.

Mr Marchese: I know. It really is tough.

What I've heard you talk about today is something that I think is great, that is going to facilitate the backlog, and you spoke to that. I don't know about the application process, if you—I may have missed you in the first few parts.

Mr Martin: Just briefly.

Mr Marchese: We'll deal with the application process, which I think obviously has been confusing in the past. It deals with the whole issue of delay, because there are costs attached to delaying projects. I see your role as facilitating a process but also making sure that, as processes get cleared up in the different ministries or local governments, you move projects along as a facilitator, as a separate process altogether. I see you as performing an important function rather than a bureaucracy that is dead and doesn't do anything.

If you could, I'd like you to speak to the whole issue of your role in terms of how you're facilitating processes that are confusing at the moment and how you believe your role is important in terms of getting projects moving along where otherwise, without you, they might not have happened.

Mr Martin: It seems to me that one of the difficulties we always face is developing a provincial government position on a project. The reason you have that problem is because you have a series of ministries that have their own policy mandates and imperatives making judgements individually about projects.

This is not unique to the development approval game. It's quite a common problem throughout government: bringing individual ministry perspectives together into a

single, coherent provincial government perspective on a project where the various interests and mandates come together in a rational way. That, to me, is what my business is all about: working with ministries, all of which have a slice of a project and a legitimate perspective but don't have the opportunity to reconcile their differences on a particular project in one place.

What we've done about that is really two things. We've created my office to deal with the very difficult interministerial problems and we've created core teams, actual teams of ministry decision-makers, to manage the sort of day-to-day routine. To me, those are two very important changes in the culture of government that will be long-term and durable.

The other part of this is the whole idea that what we have out there are clients, customers, people who need good service. In the development approval game, it's pretty clear that the customers, the development industry and the general public, have not been happy with the orientation or position of the provincial approval agent in the formula.

We have now, as a matter of general approach, worked very hard and I think successfully to change that culture to one of customer service-based. So the durability of what I am doing is not probably so much in the office of the facilitator but the difficult business of changing the way government does things.

I don't apologize for the fact that this office was necessary. I think, as I've said before, there's probably an argument, and it's certainly supported by the development industry as being necessary, that whenever you're changing the way government does things you probably need somebody to facilitate it.

Mr Marchese: Dale, I know that Bernard and Allan and Chris aren't going to thank you for the work you're doing, but I'm going to congratulate you now on the work that you've done and will continue to do.

The Chair: I'm going to move to Ms Carter.

Ms Jenny Carter (Peterborough): One question I'd like to ask you is, what kind of person would you like to see on the OMB? As you know, there's increased environmental awareness these days. Some of us are very concerned indeed about the way we're going in general, and certainly government departments have been sending out papers which are emphasizing that side. There are Streamlining Guidelines: The Development Review Process, and Growth and Settlement: Policy Guidelines from Dave Cooke's office, and also, from Elmer Buchanan's office, An Agricultural Land Protection Program for Ontario: A Discussion Paper.

We were talking in this committee as to how we can make sure there are people on the OMB who would have that kind of knowledge and background. Now, presumably, if somebody's being trained as a planner in this day and age, that would come into it, but I just wonder if you have feelings on that.

Mr Martin: Again, I like the committee's sense that we need to incorporate ecosystem approaches into the agenda of the board, if you like, into the mandate of the board, and that requires individuals who have some understanding or appreciation of the marriage of environmental land use planning and an ecosystem approach.

I think if you look at some of the things that are beginning to emerge, they're going to impact even more broadly than land use planning. The idea of subwatershed areas being planned rather than municipal boundaries will certainly impact on the business of the board and the type of person you want. So I agree with the thrust that you imply.

It seems to me the other part of this, and again it's in the material, is the need to have members who reflect the community fairly accurately. So you need a diverse board, because it's very important that the community, in appearing at the board, feels comfortable and not alienated from the board and has some level of confidence that its concerns will be heard by the board and its members.

1050

Ms Carter: I believe it is a demographic fact that the people who are least concerned about the environment tend to be older white successful males, just the sorts of people who do show up on these things, and yet there's enormous concern in the population at large which is not maybe mirrored in that group quite so well.

Obviously, we've touched on the question of delays and backlogs, which seems to be absolutely fundamental to this whole thing. But I wonder if you could give us a more complete account of why you think these backlogs are there, how they originated and what the bottlenecks are?

Mr Martin: If you're talking about the board, I can just give you kind of a superficial impression. I think we went through some dramatic changes in our approach to land use planning over the last five or six years. If you just look at government policy, if you like, and regulations, we've gone from two or three regulations 10 or 15 years ago to 30-odd, I think, now. So the business is much more complex than it has been in the past, and we've had a difficult time in governments sort of catching up with some of the imperatives and deciding clear policy on some of the imperatives.

It has been difficult for decision-makers in the approval game to identify in clear ways what the public policy position is, and all of that stuff, all of that uncertainty, has been essentially directed to the board to sort out. So the board backlog is in some respects a result of the economic boom combined with increased complexity, new imperatives and a slowness in the governments, both municipal and provincial, to respond with clear policy that could sort things out.

I think, in addition to that, there are basic technological questions that are quite astounding. The information management systems in both the ministries and at the board are antiquarian, to say the least. These things are 19th century. I mean, people at the board, until fairly recently, were still hand-writing decisions. It was a resource issue in some ways. There was just not an awareness of the importance of development approvals or acknowledgement of the importance of development approvals.

We're now in the midst, through some fairly rapid work with committees, of transforming the way we manage our information systems to improve both customer service and the speed with which decisions are made. So part of the problem at the board were these sort of basic technological information systems and file management problems,

again which I think are being addressed in the new proposals coming from the board.

Ms Carter: Yes. So we need clear policies.

Mr Martin: Absolutely essential.

Ms Carter: Otherwise people don't know what they're doing in the first place.

Mr Martin: And you sort of send all this stuff off to be adjudicated by tribunals rather than being decided at the political levels they should be decided at.

Ms Carter: Yes. That seems pretty basic stuff. I just know of one instance, which concerns my own area, Peterborough, where a delay was merciful. I'm just wondering what would have happened if the system had speeded up before this particular incident occurred.

It was that a local utilities commission agreed to sell a parcel of land on the riverfront to a developer, and the public just didn't realize what was happening. Suddenly they woke up to what was happening and a little ad hoc body formed to fight this. In the end the public had to pay more than it should have done, but they did get the land back. Now, I was wondering what could happen in that kind of instance if we did have a set system.

Mr Martin: I think what's happening more often than not is delay as a substitute for public policy. So presumably you want public policy that says the waterfront has certain values that make it more than a little piece of land that's stuck behind something and requires a different kind of process. I think that Crombie's work, for example, will begin to outline clear public policy on valuable areas like waterfronts.

Once we get a public policy set that is more in keeping with contemporary values, I think you won't need to have delay operating as the way to protect public interest, which is what it often has turned out to be in the last while, and the cost of that has been quite excessive in terms of the drag on good development. We haven't done a good job of distinguishing between things we want to have happen and things we don't want to have happen because we haven't had that public policy filter to make that basic decision.

Mr McLean: Could I have a supplementary on that, Mr Chair?

The Chair: Sure, go ahead, if Ms Carter has no problem with that.

Ms Carter: I just want to ask one more thing and that is, what is the cost of delays to the committee in general?

Mr Martin: What was the latest estimate? We're talking hundreds of millions of dollars. If you look at the carrying cost alone, I think the estimate that the industry puts out is that there's about a 25% premium on residential homes as a result of the time that it takes to get an approval. So it's a real whack in a bunch of different ways.

Ms Carter: Thank you.

The Chair: Before we move to Mr McLean, I wanted to offer my own view about my riding recently, Mr Martin.

I know you're here primarily to discuss the OMB, but I find that in terms of getting development up and under way, the biggest obstacle—in recent years in any event—has been the Ministry of the Environment. I want to give

you an example in my own riding of a development that's been proposed for the waterfront in Brockville, a condominium development, a significant development with a lot of construction jobs and a lot of money going into the community.

There are problems with the sewage treatment plan in Brockville; they're violating their certificate in terms of phosphorus. But the developer who wants to proceed with this has already received all of the approvals for two other apartment complexes, so he approached the city about swapping approvals.

The condominium would be significantly less in terms of its load on the sewage treatment plant and, in fact, would not be completed until the upgrade of the sewage treatment plant is completed. But the Ministry of the Environment has simply said: "No way, José. We simply don't want anything to proceed in Brockville."

I've spoken to them myself and there doesn't seem to be any real recognition of the tough economy. There's no compromise. Here's something, in my view, that makes a hell of a lot of sense. They're willing to swap approvals. They're willing to start getting jobs under way, and the ministry is just being rigid and inflexible.

I just wanted to put on the record that, from my perspective anyway, perhaps they're much more of a problem in terms of development approvals and helping the economy at this present moment than the OMB.

Mr Martin: I would simply ask you to refer the developer to my office. That's exactly the kind of situation where we attempt to work with ministries and developers in finding a happy solution, and I think we've been successful more often than not.

The Chair: I personally, as an opposition perspective, appreciate what you're doing and what you're trying to do.

Mr McLean: In April David Cooke released Streamlining Guidelines: The Development Review Process and Growth and Settlement: Policy Guidelines, and these papers are the proposed guidelines which the provincial and municipal planners should follow until the Sewell report is done. Is that being followed and are those guidelines that are there being effectively used?

Mr Martin: I think so, yes. There's two parts to it. Streamlining Guidelines had some recommendations not only for provincial practice but for local and development industry practice. In the case of local practice, we're using the core teams as a way of opening a conversation with local governments to see them begin to use the best practices in those streamlining guidelines, and with respect to the industry, our Building on Success seminars are being used as a way of doing the same thing.

So the guidelines are out. It's really implementation that is the difficult part of this and it's really getting it out to the thousands and thousands of people who are involved in either proposing developments or approving developments. But those manuals, if you like, are absolutely at the core of a lot of the work we're doing.

Mr McLean: There's one issue that really involves rural Ontario. It has to do with the land use policy, with regard to the Ministry of the Environment, on education.

There is a policy out that if you want to put an addition on to a rural school, you have to have 150 acres to do it. There's no rural school in Ontario that qualifies for an addition because the Ministry of the Environment's policy is going to stop it, and the minister has indicated that if the school is within five kilometres of a built-up area, the school should be built in the built-up area.

But I'm from rural Ontario. As a matter of fact, there's a school on my farm and if they want to purchase more land, there's no problem to do it. There's not 150 acres. I'm telling you that the indication is—if they had to put an addition, why couldn't they expand their sewage system? The minister's simply saying they won't allow expansions of sewage systems.

1100

Mr Martin: Well, I would encourage you to bring that again to the office. There are lots of pieces in those guidelines, if you look at them, that if you take them at face value are not possible to implement.

One of them is the communal septic systems, which say municipal ownership. We've discovered in the course of working with that, that municipal ownership is not what we really mean. We mean municipal responsibility and we're now negotiating with a series of different municipalities on ways of implementing the intent of the guideline without making it impossible for them to develop. The same thing would go, I would say, with this problem you've identified, and it's something we're interested in working with on a generic basis.

Mr McLean: Good. Super.

Mr Grandmaître: Just a short question on John Sewell again, Mr Martin. Mr Sewell's responsibilities and your responsibilities are, let's say, closely related. Maybe I should ask how many times you have met with the John Sewell group to exchange ideas, because you're in the market.

Mr Martin: Right.

Mr Grandmaître: You're faced with those problems.

Mr Martin: Not to imply that we don't consult with each other. We've done that a number of times, probably 10 or 12 times, and meet regularly at events outside of Toronto at which we discuss and exchange ideas. My only point was that I don't have any direct impact. I consult, and we give each other advice, but we don't have any direct relationship. Our relationship is really sequential in a way.

I'm working on a period of time between now and when Sewell's recommendations presumably are available for the Legislature to consider. I generally think that what I'm doing is preparing the system to make judgements about Sewell. If we can get this system working as well as possible, it's a much better vantage from which to decide on what recommendations from the Sewell commission are important to implement and which ones aren't. If we're doing that from the vantage of an inefficient, non-functioning system, I think we're liable to make choices that are really aimed at administrative change rather than fundamental policy change, and it may not do the trick.

So I see my relationship to Sewell as sort of a sequential one, where I'm working now, today, and his policy decisions

will have to be made subsequent to today's work that we're doing. But we definitely consult with each other.

Mr Grandmaître: Yes. Both of your responsibilities are related to the development approval.

Mr Martin: Absolutely.

Mr Grandmaître: Absolutely.

Mr Martin: Making development work.

Mr Grandmaître: So you see, I'm on the right track. Now that we've established this, we all know that a good number of ministries are involved, especially in official plans approval, zoning and so on and so forth. Four or five ministries are involved. This is where the red tape exists. What should the government do to streamline this red tape?

Mr Martin: As I've said, the changes we brought recently—we're going to wipe out a three-year workload in six months. We're developing—

Mr Grandmaître: I realize this. But you have to change the policies.

Mr Martin: I think we adopt policies that are clear. We have to implement guidelines that clearly establish the criteria. One of the complaints the development industry often brings is that dealing with the province is like dealing with a moving target. One minute it's this thing; the next minute it's that thing.

The intention behind the guidelines is to actually nail down in public the criteria that we as approval agents use to decide on projects. So the guidelines are meant to stop the moving target problem, and I think the industry accepts that as a good thing. There are real, tangible changes being brought that started in April, aimed at streamlining the system generally as well as expediting individual projects.

Mr Grandmaître: I'll be very short, Chris. Do you think that once the John Sewell group has completed its work it will eliminate all of the government's red tape?

Mr Martin: As a result of the work that's going on now, by not only my office but the other approval agents, we will have this system working very effectively.

The Sewell recommendations are aimed not only at improving the way the decisions are made but dealing with a whole range of other policy issues, including environmental ones, in a more manageable way. We're working with what is there in place now.

I think we're going to improve the system dramatically, and I think the policy issues Sewell raises are things that don't fall within my domain so much as the domain of the Legislature. I mean, I'll have personal opinions on them, but they're not that useful to you or to the ultimate decision.

The Chair: Mr Stockwell, I'm going to give you one question. We are over the time we had scheduled.

Mr Stockwell: I'll make it one question and kind of two comments, then.

Before Mr Martin breaks his arm patting himself on the back too much, let's be clear about the three years and six months. You know, there's nothing coming on; it's got to be the slowest period in the province's history for development approval, OMB etc, in decades and decades. Having

said that, yes, there is a backlog clearing up, and, gee, I can agree with it.

Secondly, I don't think they could have picked two better people to maybe figure out the red tape process than Mr Martin and Mr Sewell, because they probably had the biggest hand in writing it, so they know exactly where the loopholes are that you can clean out, and that's a good thing as well. I'm not going to debate that either.

Mr Anthony Perruzza (Downsview): Always making these shots; always partisan shots.

Mr Stockwell: Yes, I guess they're always partisan shots.

But the point I'd like to ask about is the process when it's finished and Sewell writes his report and the report gets sent to the Legislature and then in the end we adopt it, as the Legislature would adopt, and these are the new rules and regulations. How do you ensure that it just doesn't slowly begin to erode back to the way it was?

It's maybe an unfair question, maybe a tough question, but it seems to me that the OMB was put in place to deal with debentures and financing. The planning process was never involved when we set up the OMB, and through a series of years it has expanded to this situation where it took you a year or two years to get something before the board. How do we put in place a process that ensures we're not going to get back to the same situation where the OMB starts hearing about lean-tos on Third Street in Mimico?

Mr Martin: As I said, I agree with you that in recommendation 1 you should really scope the business of the board to significant planning issues that need to be managed by a tribunal. I concur completely and I think that will probably be a part of the recommendations that Sewell makes and are agreed to by everybody.

I think alternative dispute mechanisms are another way of doing that. We can't rely on the tribunal and the provincial approval agent as the way of managing land use planning issues, again something we're working on.

I think the culture of decision-making and a change in it is fundamental. The people who make the decisions on a day-to-day basis have to view development differently than they have viewed development over the last five or six years. They have to be able to say, "Here's a policy set that says this development is sound development that the community has an interest in, and we need to make sure that gets into the ground as quickly as possible." That is, I think, what's going in terms of the change in the culture of decision-making in the provincial decision-makers now.

This is not a partisan issue. This is an issue the industry supports and sees an interest in having happen. I'm not really patting myself on the back; I think the system is responding to an office, the facilitator's office, and it sees it as a way of getting over some of the problems it wanted to get over. So there is a shift in the culture of decision-making. If that happens, we have a durable package of change.

There are no guarantees, as we all know, but I think the initial indications are reasonably positive. And I think you have every right to be sceptical and to continue to want to

keep tabs on it, and I'm not in the least bit reluctant about that. I think, however, the bottom line really is creating a circumstance in which good development, development we all agree is good, gets into the ground as fast as possible.

Mr Stockwell: And that's going to be your difficulty.

The Chair: Okay. That concludes your appearance here, Mr Martin, and we very much appreciate it.

Mr Martin: Thanks very much.

The Chair: I wish you well.

Interjections.

The Chair: Let's come to order. We can carry on this discussion at some other point when the Hansard officer isn't faced with such difficulty. Please, let's have some order.

1110

DRAFT REPORTS

The Chair: We'll move on to the next matter on the agenda, which is consideration of the draft reports that are in front of you. Hopefully, everyone has copies. I want to move on to the first draft report, the revised draft report on the Ontario Municipal Board. I'm not sure why that one's before us, David. Just for the sake of referral? Okay. We'll move on to the next one then, which is the draft recommendation for the committee report on the Ontario Board of Parole.

Mr David Pond: As members will know, this was last considered on November 4, if memory serves me correctly. The changes the committee suggested at that time are in the darker-shaded ink.

Mr Marchese: Could you refer to them again, please?

Mr Pond: The first one was a formatting question. Mr Waters suggested that the recommendations be reorganized and specifically noted in terms of which ministry they were directed at, hence the shaded blocks on page 1 and on page 6, if you go to the back. The comment on page 6 is, "Comments and recommendations directed at the Attorney General," and on page 1, "Comments and recommendations directed to the Ontario Board of Parole and the Minister of Correctional Services." That's the first change.

The second change is on page 2. The shaded four or five lines in the second paragraph simply correct a factual error in the last draft, which Mr Waters also detected. The first really substantive change is the three words shaded in ink in the first recommendation: "The Ontario Board of Parole and the Minister of Correctional Services should consider introducing a policy whereby victims who so wish" and so on. The idea there was, if you recall, that it might be impractical for all victims to be uniformly informed. The idea was that the victims who wanted to be informed should have access to information.

The next change is at the top of page 5. The last sentence in recommendation 4 is new. That is per Mr Grandmaître's suggestion that if the board does implement this recommendation and comes up with a new or a more sophisticated database, the evaluation of the information should be readily available to the taxpaying public.

And that is it.

The Chair: Any comments or questions on this particular report? I have one, actually. I'm not sure why I didn't consider this before, but in dealing with the temporary absence passes—I know we have made a change in respect to the parole board in terms of notification where victims who so wish are informed.

This is related to a personal experience in my riding where, under the TAP program, an individual who had sexually assaulted a 12-year-old girl for some reason got a sentence of less than two years. He was in the Brockville Jail and was allowed out about three or four weeks after he'd been incarcerated, right back into the community where this girl resided, and when that became known by the public, there was a great deal of concern and he was pulled back into the jail. But of course the fact was that in this instance the victim and the victim's family were not notified of this release right back into a relatively small community.

I guess I have a similar concern. We've indicated under the board of parole that victims, if they wish, should be notified, and I think the same sort of approach should be applied to the temporary absence program. If a victim wishes to be made aware of the whereabouts and the release, perhaps early release, of a convicted offender, especially in a sexual assault case, I think they should have every right to be made aware of it.

Mr Daniel Waters (Muskoka-Georgian Bay): I've actually just been talking with someone from the ministry, and we'd have a problem with that. From what I can gather, they're charged by this person, by the police, the Attorney General deals with them at the court, and those files stay there; they don't travel with them into jail. So within Correctional Services, from what I can gather, they have no idea who the victim is. What they know is that John Doe or whoever is in jail for this crime with this penalty. They don't necessarily know who he committed the crime against in the system.

Mr Stockwell: So tell them.

Mr Grandmaître: They don't know who committed the crime?

Mr Waters: No, they don't know who the victim was.

Mr Grandmaître: That's strange.

Mr Waters: I see David nodding his head.

Mr Pond: It's true. When the board appeared before the committee in 1990, it made a general comment to the effect that information was not shared expeditiously within the system. It wasn't just they who were out of the loop; lots of people were out of the loop, so to speak.

Mr Marchese: But I think the point you're making is consistent with recommendation 1, which speaks about "introducing a policy whereby victims who so wish are informed." In terms of what Mr Waters raises, that's something that obviously needs to be dealt with by the minister in terms of identifying who they might be, which is quite a separate point. That remains a problem to be dealt with still, but in terms of your suggestion, I see it as consistent with number 1.

Mr Waters: My next question, and maybe Mr Pond or somebody can tell me, is whether under the Constitution we have the right to transfer that information from ministry to ministry and back out to the public.

Mr Pond: There's no obstacle under the Constitution. It depends on how it's used, but there's no obstacle to sharing of information.

Mr Stockwell: Particularly if they ask for it.

Mr Marchese: That's the point: "who so wish." If they're asking for it, it means there's agreement.

Mr Stockwell: So tell them. Big deal. If they ask, the board then can mention it.

The Chair: Is there any problem incorporating that?

Mr Pond: No, we can add that.

The Chair: Is there agreement on that?

Mr Marchese: I certainly agree with that.

Mr Waters: I don't see any problem.

The Chair: It would be consistent with recommendation 1.

Mr Waters: But at the same time that creates a problem with recommendation 2.

Mr Pond: What we could do is add your concern to that.

Mr Waters: Because there's absolutely nothing out there at this point that transfers the trial information or the victim information to the parole board.

Mr Pond: I can incorporate that into that little passage there, if you like.

Mr Marchese: Flagging your concerns.

The Chair: Okay. Adopting those concerns and recommendations then, we'll consider that report adopted. No? You want to bring it back.

Mr Pond: I'll bring this back to you, needless to say, at the next opportunity.

The Chair: The next one is a revised draft report on the Liquor Licence Board of Ontario.

Mr Pond: Again, this was considered at the November 4 meeting. The only change is on page 12. The second sentence in recommendation 3 is new. This is Mr Marchese's suggestion to the effect that when the government implements recommendation 3 and develops its new rules and standards for the elimination of sexism in liquor advertising, it should be required to draw on the expertise and experience of the LLBO in so doing.

Mr Marchese: If I can ask another question, I raised the concern about the applicant on page 3, "the applicant is not a Canadian citizen or a person lawfully admitted to Canada." David, you were going to check.

Mr Pond: Yes, I checked with the lawyers in our office and it's as I suspected. Anybody who's here, who's lawfully admitted and ordinarily resident in Canada, which is just about everybody, can access the Liquor Licence Act and run a licensed establishment.

Mr Marchese: Okay; all right.

The Chair: Anything else in this particular report?

Mr Tony Rizzo (Oakwood): I wasn't here previously, so I haven't had the chance to go through all this, but looking at page 3 now, following "An applicant is entitled to a licence except if," item (h) says, "the licence is not in the public interest having regard to the needs and wishes of the residents of the municipality in which the premises are located." From my own experience, I know that many times, in spite of the negative opinion of the municipalities, the liquor licence board approved the applications for licence. I wonder why this is happening or if this (h) item is considered when the applicants are going to be in front of them, or what can be done.

I was also told that, prior to a few years ago, to be entitled to a licence was a privilege, and a few years ago this was changed to become a right. So if it is a right, then why should there be any opinion asked of municipal councils, and therefore why again, if the municipal council says no, does the board go ahead and approve it anyway?

1120

Mr Pond: Regarding the second point first, it's the residents' municipality where the opportunity to appear before the board at its quasi-judicial hearings to express their opinions about whether a licence should be granted, not the council per se. Just residents of the municipality.

With regard to your first point, this is why the board is often controversial. It has the discretion under the statute to decide whether a licence should be issued. Needless to say, in many cases the licence is issued over the opposition of some residents. But that's why the board is there, to provide a quasi-judicial process whereby these decisions are made instead of being done by fiat on the one hand or not being done at all. Yes, inevitably, anybody who is disgruntled with a board decision is going to have his say in front of the board, but this is what the board's there for, to make those decisions. Then, of course, you're going to appeal these decisions to the courts. But there's no doubt about it; you know better than I do, sir, that many of these decisions are often controversial.

Mr Rizzo: Not only that, why then are the opinions asked of the municipal council, the municipality, to see if there is anything against the applications or not? I know what they usually say. The different departments answer, "No, this particular location hasn't had any problem with the building department," the board of health sends a note saying, "We have no opinion, or we have no problem with that," and the planning department does the same thing. In the end, nobody has an opinion or some opinions are in favour, and so the response is sent to the board and it automatically approves it. What I'm saying is, shouldn't then the authority be given to the municipality to say, "We are against it," after the municipal council takes a decision? Then it would be up to the applicant to apply for a change of decision to the board.

Mr Grandmaître: I don't know if Chris has experienced this, but in their official plans more and more municipalities are now trying to specify the number of licences issued in their communities, especially in a small community. People don't like a bar or a striptease joint right beside a church, for instance. So if the municipal council thinks it's

not in the public interest, then it'll simply oppose it or question the board before the licence is issued. But I think David is right; it's up to the public, Joe Public or Jane Public, to oppose or to object to the licence. But again, a municipality plays a role if a zoning change is needed. That's where the municipal council gets involved. But if the zoning is compatible with a restaurant or a bar or whatever, then it's much more difficult for the public to object.

The Chair: Mr Stockwell, do you want to say something else?

Mr Stockwell: I was just going to say that exactly. If the zoning's in place, you can't stop it.

Mr Rizzo: But this has nothing to do with the public interest.

Mr Grandmaître: Yes, it has.

Mr Rizzo: Zoning has nothing to do with the public interest.

Mr Grandmaître: Absolutely. It's the official plan of the public.

Mr Stockwell: But you can't down-zone somebody. You'd be in court.

Mr Rizzo: It has nothing to do with zoning at all. I understand that if a certain facility is not contemplated in the zoning laws of the municipality, then fine; they cannot get the permit. I understand that.

The Chair: Mr Rizzo, do you have a specific proposal for this report?

Mr Rizzo: My proposal, if this is the right place, would be that before anyone could get a licence, he should get the approval of the municipal council first. If they don't have that, then they can appeal to the liquor licence board. That's the change I would like to see.

The Chair: Well, what's the feeling? Will you have any difficulty in incorporating that as one of our recommendations?

Mr Waters: In large municipalities I can see where that might be okay, but you get into a small town, shall we say, there's always an inner clique, an inner group, that people are always saying runs the town the way it wants to and it can pretty well hold someone out.

The Chair: I wonder how many municipal councils would like to have this power.

Mr Stockwell: Lots of them.

The Chair: You think so?

Mr Stockwell: I don't know directly about the small-town community, but I know full well in Etobicoke we want far more input into where liquor licences are allowed.

Mr Rizzo: That's right.

Mr Stockwell: Because in certain instances, and I can speak specifically on a street like Lakeshore Boulevard, it was just unbelievable. Every Mr Submarine shop got a liquor licence and it was turning into just a big drunk tank and that's what the local council's had a concern about. They had no say and they couldn't stop it and they couldn't do anything. So I understand the point you're making. But Mr Waters may make a very valid point; I don't know. So I think you're in a bit of a conundrum.

The Chair: Let's have a motion then, that Mr Rizzo is moving that part of our report recommendation include a recommendation that approval of the municipal council be a requirement prior to the issuance of any licence.

Mr Rizzo: At the least, it should be considered by the appeal board, that they must have it before they can issue a licence.

The Chair: "Considered." I'm getting two different messages. It is considered. What you're saying is that you want it to be a requirement, municipal approval.

Mr Rizzo: Which can be appealed. Now there is no requirement that there is a need of approval by the municipal council. I want that to be incorporated.

The Chair: Okay. I think we understand what you want.

Mr Frankford: I'm not convinced that this is the right place to be doing this because this is a report on the LLBO. I would ask, is it routine that the LLBO informs councils of applications?

Mr Grandmaître: Yes.

Mr Stockwell: Yes.

Mr Frankford: That gives them the opportunity of responding to applications.

Mr Stockwell: But there's no response mechanism. You just get told; that's it.

Mr Pond: But you can appear.

Mr Stockwell: Well, you can appear.

Mr Pond: The municipality can direct its officials or, for that matter, municipal politicians themselves, as you know, can appear before the board in a hearing and regularly do. That happened in my neighbourhood.

Mr Rizzo: I want the contrary. I want the applicant to appeal a decision of council rather than vice versa.

The Chair: We have a motion from Mr Rizzo that we incorporate in the report the recommendation that municipal council approval be a requirement of the licensing application process. All in favour of Mr Rizzo's motion? Opposed? The motion carries.

Mr Stockwell: Can I make one quick question before you get out of here?

The Chair: We still have another report. Go ahead.

Mr Stockwell: Quickly on the—what do you call this?—on the advertising section.

Mr Pond: That would be page 12.

Mr Stockwell: Is there not a name for it? "Eliminate sexism in liquor advertising." Is there anyplace in the world where this has been implemented?

Mr Pond: Where what has?

Mr Stockwell: Where they've eliminated sexism in liquor advertising.

Mr Pond: That's a matter of judgement. Lots of governments are striving to do that.

Mr Stockwell: Has anyone done it?

Mr Pond: But whether it's eliminated or not is a matter of—

Mr Stockwell: Have they passed laws, anyplace that actually passed laws to eliminate it?

Mr Pond: I think so, yes.

Mr Stockwell: Where?

Mr Pond: I'd have to look it up for you. I think there are jurisdictions in the US and there may be elsewhere in Canada; I think probably Quebec, actually, elsewhere in Canada. But I can look that up for you.

Mr Stockwell: I see Quebec just in your report.

Mr Pond: Quebec is quite active in this, yes.

Mr Stockwell: Sorry?

Mr Pond: Quebec is one of the more active jurisdictions in this regard.

Mr Stockwell: Yes. I'd be curious to see if anyone's passed any laws and what they say. I'm just curious, that's it, because I'd like to see it.

The Chair: We want to deal with all of these reports as one report to the Legislature, so we'll have an opportunity to take a look at that before final approval.

The next draft is the health councils.

Mr Pond: If you recall, at the last meeting on November 4 a letter from the Association of District Health Councils of Ontario, which is the province-wide group, was distributed to committee. It commented upon the initial draft recommendations and provided information on where the province is going with regard to DHCs. The committee directed me to incorporate that letter and its information into this draft memo, which I did, starting on page 4.

Essentially, if I may paraphrase, the letter said the concerns the committee had heard from the witnesses about DHCs and their operation in Ontario and their status with the ministry were well known to the association. The association had brought these concerns to the attention of the minister and a process had already been put into place to address these concerns. Specifically, a DHC-Ministry of Health joint task force had been formed with a very firm deadline to address these problems.

Therefore, what I've done here is taken note of that and taken the liberty of suggesting a conclusion the committee might want to reach—you can feel free, obviously, to disregard it—which is the last paragraph on page 4, namely:

"The committee believes it is premature to make recommendations about the future of DHCs as long as the task force is sitting. It may revisit this question once the task force has completed its work and its report is in the public domain."

I would point out again that the task force is expected to report within four months, at least according to this letter, which is a pretty quick deadline.

The Chair: Any comments?

Mr Frankford: I can see the difficulties that exist in trying to put a report together on district health councils, because for one thing I think it's something of a moving target. There have been a number of concerns which we

believe were there which I think have been confirmed about the changing and somewhat ambiguous relationship between the councils and the ministry.

I think perhaps we do have to go along with the recommendation that we wait for the task force, but I certainly wouldn't like to see the work we've done on this disappear.

The Chair: Do we have agreement that we'll wait to finalize this until the task force report is—

Ms Carter: I was going to suggest that the task force actually report to this committee.

Mr Frankford: It's a ministry task force, isn't it?

The Chair: Yes, it's a ministry task force. We can certainly ask. After the report has been presented to the minister, we can certainly make that request, that a representative at least appear before us.

Ms Carter: I certainly think it would be premature of us to make recommendations about DHCs, because not only is there this task force, there are other things that are changing that I think we should maybe wait for.

The Chair: Okay.

Mr McLean: Maybe we should just turn it around and reverse it and say that what information we have received to date should be forwarded to the task force for them to have a look at and see whether they would like to include any of it in their report. If we have some recommendations we're going to make, it would be nice for them to look at it, because if we make it afterwards, then—

The Chair: Do you have a problem with that, David?

Mr Pond: No. What was it you would like me to send? What information?

Mr Waters: Maybe it's an assumption on my part, but I would have assumed by the letter we received from the head of the association that the task force already has everything. But if they haven't, by all means.

The Chair: Okay. I think we're in agreement that we will delay the finalization until the task force reports and then perhaps have someone from the task force appear. David can confirm as to whether or not they have all the information in terms of the committee's views, and if not, we'll make sure it's made available to them.

I guess that concludes the regular agenda. Is there anything anyone wants to raise before we adjourn? I would remind subcommittee members that we're having a subcommittee meeting.

Mr McLean: What's the agenda for the next two Wednesdays?

The Chair: Madam clerk?

Clerk of the Committee (Ms Lynn Mellor): Next week is the Metro police board and on the 9th is Maurice Strong.

The Chair: Hydro chair.

Okay, meeting adjourned.

The committee adjourned at 1135.

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Substitutions / Membres remplaçants:

- *Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
- *Rizzo, Tony (Oakwood ND) for Mr Wiseman

Also taking part / Autres participants et participantes:

Perruzza, Anthony (Downsview ND)

*In attendance / présents

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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ISSN 1180-4335

Legislative Assembly of Ontario

Second session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 2 December 1992

Standing committee on government agencies

Metropolitan Toronto
Police Services Board

Subcommittee report

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 2 décembre 1992

Comité permanent des organismes gouvernementaux

Commission de services policiers
de la Communauté urbaine
de Toronto

Rapport de sous-comité

Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 2 December 1992

The committee met at 1007 in room 228.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

METROPOLITAN TORONTO POLICE SERVICES BOARD

The Vice-Chair (Mr Allan K. McLean): I call the government agencies committee to order. Today we have further review with regard to the Metropolitan Toronto Police Services Board, and we have before us this morning Ms Eng and Mr Flynn. If the members would take their seats, we will proceed.

Do you have an opening statement this morning? You don't. Okay. Then we have all morning, so I would suggest we split our time. We can start off with the government members if they have any questions they would like to direct, and then we can rotate around. If they haven't, we could proceed.

Mr Rosario Marchese (Fort York): We'll let Bernard begin.

Mr Bernard Grandmaître (Ottawa East): Good morning. Good to see you, Dennis.

I want to ask you about the police commissions across the province of Ontario. Do you think they're fully effective, and what changes would you like to see if they're not effective?

Ms Susan Eng: Thank you for that question, Mr Grandmaître. I know that you know Dennis Flynn, but some of the others on the committee may or may not.

Mr Grandmaître: I've had my battles with him, yes.

Ms Eng: Dennis Flynn is ex-Metro chairman and also will be the vice-chair, likely, of the Metropolitan Toronto Police Services Board come Thursday. He is here as a member of the municipal council, Metro council, on the board.

To answer your question about the police services boards across Ontario, I am a member of the board of directors of the Ontario Association of Police Services Boards. With a membership of over 117 boards, there is quite a wide variety of interests, resources and needs across Ontario.

The effectiveness is going to be dependent on the individual needs of each municipality. In some cases, like ours, the policing issues are very much in the public eye and very complex and quite often very heated. In some other communities, they are smaller and they know each other extremely well, and find that the concerns of the police services boards are not quite as significant, perhaps, or in large part needing as many resources as we might in Metro Toronto. Then you have everything in between.

The effectiveness depends really on a new era in policing, a recognition of responsibility of police services

boards as distinct from the chief of police, as distinct from the members of the force, in terms of their different responsibilities, not in terms of their different goals. They have shared goals for effective policing. They have shared goals of involving the community in policing. Where they have different responsibilities is that the civilian board has a responsibility for governance. That responsibility requires an understanding of policing. It requires a recognition of how the community needs to be involved in policing. It requires a certain amount of research resources and an opportunity to get that community input. That requires a lot more time than a lot of the board members have around the province.

I'm the only full-time chairman of a police services board. The others are on a part-time basis. As we get into a much more complex environment in policing, I think there is a need to better resource those boards and to give them training and opportunities to share and understand the issues.

Mr Grandmaître: How about politics and the police services boards? It seems that politics—or too much politics—is getting involved with police services boards. Councils or municipalities are accusing the police services boards of not communicating with the rest of council and they don't have much of a say in their budget. It seems, especially in Toronto, that your police services board and this government, the Rae government, don't get along too well. Can you clarify this? Can you put a light on it?

Ms Eng: I think you've asked several questions in that question. First of all, I think the independence of the police services board from both the provincial government and Metro council is important in the sense that one of the reasons a police services board was established in the first place was to maintain some buffer between the political system and policing, while at the same time maintaining a level of accountability. It is not a direct line of accountability and we're certainly not a committee of council or a committee of the Legislature.

From the Metro standpoint, I would like to invite Councillor Flynn to respond.

Mr Dennis Flynn: As you know, Mr Grandmaître, when you were a minister of the crown, you had received petitions in cabinet from Metro council to change the balance of power on the police board, or the commission, as it was called at that time. Metropolitan Toronto asked for a superior number of members so that there would be a balance in favour of the persons, and the government's always taken the position that whoever pays the shot should have the important say. Metropolitan council truly pays the shot. The government, regardless of whatever parties they were, always maintained a grant on the basis of households. That tends to be about 10% of the total amount of

money that's required to run the police force. The position of Metro council at this moment remains the same.

Metro council would like to have the majority number of persons appointed by Metro council, rather than appointed by the provincial government. We felt that with respect to any of the governments which have been here in recent years, and have made that plea on many occasions and have done so recently.

Mr Grandmaître: Yes, I agree with you, because I was faced with the same problem when I was chairman of my own police commission. Politicians or council wanted a bigger say, especially at budget time, because every municipality is saying: "Look, all we have to do is rubber-stamp the police services board budget. We have very little to say and if we do object, well then, we can apply to the"—what's it called now? Is it still the Ontario Police Commission?

Mr Flynn: Basically.

Mr Grandmaître: They change their name every weekend, I guess, not to be identified.

Mr Flynn: May I interject something? At this particular point—and I think that the police services chair will speak to it more in depth—Metropolitan council in fact does review the police services board very thoroughly. There's no two ways about that. They had a special group of council members last year as a task force which went through the budget almost line by line to determine where additional cuts were made, and made substantial suggestions so that we had to respond to that. You can't say that in this particular instance, the public through its council doesn't have a major say. The only unfortunate thing is that the metropolitan council has to produce most of the money, when the credit or power rests with the province.

Ms Eng: I'm going to address that point also. The last time I was before this committee, in January, as I recall, I did have to go on to defend our budget before Metro council at that time. As councillor Flynn has indicated, it was a very stiff battle for the budget we ultimately got.

I can also remind everybody here as well that as a result of the management controls that we put in, that we promised to put in, we were able to get the kind of savings and efficiencies that we promised. At the time of the budget debates, we were saying to Metro: "Give us the opportunity. Don't cut back the budget yet. Give us the opportunity to manage our affairs, to reorganize, to restructure, put in some technology that will allow us to control the budget, and we will produce for you, at the end of the day, longer-term efficiencies."

What we did was exceed even our own expectations, which were to give rise to nearly \$3.3 million in savings in the court special pay category, which was a difficult category to deal with. A lot of that is entirely as a result of good management controls. When we dealt with the budget, we did have to defend the gross number, which was very large, the fact that it had to be above the flat line and so on, but we were able to convince council that we had the management efforts under control. That was a very significant success that we hope to be able to build on this year as we go into the budget process.

On the matter of the majority control and that sort of thing, I think what's also important to notice is that over the course of the last year and a half, decisions at the board have been made primarily by consensus. There have been very few, if any, decisions made where the Metro councillors lined up on one side and the provincial appointees lined up on the other side. I think that's significant, very important to recognize, that this board functions as an entity without necessarily a strict regard to who appointed it, that we have rarely divided on votes of any sort, but rather come to a consensus on issues. In that respect, I think it's a coming of age of special-purpose bodies that they can operate independently on the specifics, regardless of where their appointments come from.

The Vice-Chair: I think in order to share the time we will move on to Mr Runciman.

Mr Robert W. Runciman (Leeds-Grenville): Thanks, Mr Chairman. I'll direct a few questions initially to Ms Eng. Just for clarification, you were appointed to the board by the Liberal government, I guess.

Ms Eng: Yes.

Mr Runciman: What year was that?

Ms Eng: In 1989.

Mr Runciman: In 1989. I'm not sure how the process works, but certainly you were Premier Rae's choice to be the chair of the police services board, although I gather you get the endorsement of the Premier and the provincial appointees support you. How does that process work?

Ms Eng: Actually, what's interesting about the process is that probably it needs to be amended. Currently, for all police services boards across the province, you have the appointments as stated in the legislation, which is currently a majority appointed by the Lieutenant Governor in Council on the recommendation of the government and the minority appointed by municipal council. Then the members, by legislation, are to elect a chair among themselves.

In a lot of the municipalities where everybody is on a part-time basis, it works fairly well. They can rotate from year to year and make a separate appointment. In our case, because the chair is full-time, you would expect that the individual would have to clear away his or her personal circumstances before he or she could let his or her name stand to be full-time chair. In those circumstances, it is a process that could use some improvement in terms of making sure that either we choose that the Lieutenant Governor in Council directly appoints and makes that decision and doesn't ask for the election, or that everybody be prepared to stand on a full-time basis on the election day.

Mr Runciman: In terms of the chair election, so-called election, were you called by someone in the Premier's office or by the Premier personally to ask if you had an interest in that role? How did that work?

Ms Eng: Somebody in the Premier's office, the appointments secretariat, called me to ask for my interest, whether I'd be willing to let my name stand, whether or not I would be able to make that kind of career shift at this point. I agreed to let my name stand.

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Mr Runciman: Did you ever speak personally with the Premier?

Ms Eng: No, not on this point. No.

Mr Runciman: As you know by the presence of the cameras here today, you seem to generate an awful lot of interest. I'm not sure why that is. Would you have any view on why you seem to attract so much interest from the media?

Ms Eng: I was told a media release was sent out so that they would be invited to be here.

Mr Runciman: They're invited to be here every Wednesday, but they usually don't show up.

Ms Eng: They don't show up to our board meetings either. Maybe they might like to show up there as well.

Mr Runciman: I guess I'm curious in the sense that there is some speculation that you have political ambitions. Is that an accurate assessment?

Ms Eng: Are you asking me if I'm after your job?

Mr Runciman: Not mine. You're welcome to give it a shot, though.

Ms Eng: Well, I don't have any political ambitions, as such, at the present time. I have two and a half years left to run in my current appointment. I intend to focus all my energies on that.

Mr Runciman: I guess I'm raising that in the sense that you have done and said a number of things that have been construed, by perhaps not yourself but others, as being controversial: the oath to the Queen at the outset of your appointment to the board and a number of things since then. Certainly you've been in some controversies since you've been the chair with the perceived-to-be conflicts with Chief McCormack. Perhaps the cynical out there view that as a use of your position to gain prestige, name, recognition or what have you which could further your own career possibilities. That's why I felt it was important to raise the question of how you viewed your future in terms of political possibilities.

I'd like to know one thing before I ask you briefly—and perhaps Mr Flynn would want to comment on this too—the next question.

I was watching you on a CITY-TV interview some time ago. They were talking about the number of years you'd been on the police services board and asked you if you'd done a tour with active-duty front-line cops. At that point you had not done so. I'm just wondering if you've done so since that interview occurred.

Ms Eng: I can tell you that I have not yet. I'll tell you what I will be doing. What we have been trying to do—

Mr Runciman: Well, no, I appreciate that. Perhaps you'll have an opportunity—we're somewhat limited in time and this flows in a couple of questions—

Ms Eng: What point do you want to make out of that question? If you want to allow me to explain it, then I shall, but the point is—

Mr Runciman: No, I'll give you an opportunity later on. I just want to put it in another context in the sense of—

Ms Eng: Okay, sure.

Mr Runciman: —some of the criticism and tie it in with your views on the proposed regulation in terms of unholstering a weapon and withdrawing a weapon from a holster in public. I take it that the board is supportive of that regulatory change. I know that you've come in with some sort of recommended four-step process or something to try to appease the concerns of police officers.

I have some problems with the Solicitor General and with yourself being on the board since 1989 and other members of the board—Mr Flynn may want to comment on this too—who have not found the time, for whatever reason, to go out on the front lines with these officers and have a better appreciation of the kinds of challenges they face on a regular basis.

I know, talking to officers in 51 Division—I think there's something like 50 officers in that division, and they're withdrawing their weapons from the holsters on an average of twice per shift per officer. The pressures on these kinds of individuals are enormous. At least that's what they're telling us. You and Mr Flynn and the Solicitor General are the people who are making the decisions that affect how they operate. I have some concern that there isn't that effort to have a better appreciation of the pressures they have to face.

Ms Eng: Let me explain how we came to develop that whole issue of use-of-force reporting, and the kind of work that we have done and the work—and I'm sorry that they're not here today—that the senior officers of this force have assisted us with in developing that process. I did not develop the four-level reporting process; they did. They did it with very good intentions and very good work and their combined years of experience on the police force.

The whole issue of use-of-force reporting has a very broad background. I think there is a lot lost in the current debate that we should be careful to take due notice of.

Police officers are the only organization in society that has authority to use lethal force. The public has an interest in seeing that that force is used in appropriate ways and is justified from time to time.

We as a police organization have an obligation to ensure that we set standards, that we train people to those standards, that we give them the appropriate level of equipment and that in order to monitor their performance there be a reporting mechanism. That's the large picture of why use-of-force reporting is important today and has always been important.

Now, in terms of the process itself, the regulation is in place and will be effective in January. I'm sure that all of you are aware of all the subtleties of that, but the critical point is: What can we do as an organization to come up with some process of responding and complying with that legislation in a manner that is useful to the force itself, that deals with the safety of the officers and ultimately is something that the organization can turn around and say, "Look, we know that our officers are using their force properly because we are monitoring, we are training, we have set standards"? That's what we're trying to do.

So the four-level reporting that you allude to is all part of that process. It is a method of reporting that was constructed by senior officers of our force called the use-of-force review committee. It consists of officers who are engaged in training in the Emergency Task Force, in professional standards and legal services. That group of people is in constant touch with front-line officers and there are a couple of constables who are also front-line officers themselves who are responsible for bringing in that input.

They constructed a process of reporting that divides the use of a firearm into four levels, the first level being one in which you pull the gun out in readiness for walking down a dark alley or entering a darkened warehouse. That is the level of preparedness, and the consensus is that no reporting is required in that circumstance whatsoever.

The second circumstance is the situation in which someone draws his firearm and there are members of the public present. In that circumstance the current regulation requires that a report be filed. What our force has recommended is that an internal report be filed, which will be useful in two circumstances. The unit commander or supervisor of the officer will have an opportunity to judge whether or not the use of force was appropriate in that circumstance, and secondly, the use-of-force committee will receive that information on an aggregate basis to see whether or not there is, as you've mentioned, in some divisions, a lot of gun calls, a lot of situations in which there have been guns drawn necessarily and justified.

In those circumstances, the use-of-force committee as a central committee can note the trends throughout the force and note that one particular area seems to have more than its share of gun calls and look at recommendations to do something about it, including additional resources, including determining whether or not there's a difference between one platoon and another. Maybe one group needs training but another group just needs more backup. Perhaps the procedures are not working very well. Perhaps they need to have greater access to the ETF or something like that. Those are the kinds of macro questions that the internal professional committee can make.

Then, having been able to use that information in that way, our position is that the province, having through its public statements indicated it's not interested in getting individual reports or the identification of individual officers, we're recommending that they receive from us only aggregate data about the number of officers, the occasions, the environmental conditions and so on.

At the same time we will also indicate that that internal use-of-force report will only be retained for six months. The reason for the six-month date is that currently when officers note that there may be a public complaint from whatever they have done, they will file a use-of-force report. They're doing that now. The reason they do that is that in case there is a public complaint, then they have a record of what they had done, and that way they have their side of the story available. They usually keep that for six months now in our public complaints office in order to ensure that that material is available when necessary. We're recommending the same six-month period for that report.

That is meant to address a number of things. It allows the internal committee to have access to the kind of data that will inform training and procedures. It will, we hope, through what the senior officers have told us, address the issue of safety by making sure that over the long-term basis the internal committee and senior management are able to make decisions that will ultimately improve on the backup and the training.

1030

Finally, the question of hesitation: What's happening with these reports? What use is going to be made of them? What we're seeing is that we're not going to give the officer identification information to the province in the first place. So a guarantee from the province as to what it's going to do with the information is just going to be a moot point because we're not giving that information to begin with.

The fact that the forms are retained for six months within the force are meant mostly to give some protection to the officer in the event that a public complaint is laid. That's level two.

Levels three and four are less contentious. Level four is a situation where the firearm is discharged and the usual process of a discharge-of-firearm report is filed, and they have no difficulty with that.

Level three is again something that officers and senior management have very little difficulty with, and that is, if you draw and point your firearm at somebody. Already they are now filing use-of-force reports when there is a gunpoint arrest and if their gun is pointed at somebody. If you point your gun at a civilian, that would be a criminal offence, so it's something that there isn't a problem with, but again we're going to be able to use the use-of-force reporting process, which will be a form that will be used province-wide, to again inform training, inform procedure and so on. Again, we are only recommending that we give aggregate data to the province.

This four-level reporting process is meant to address all of the concerns, and that's why we have it there.

Mr Runciman: Who has to approve this four-level process? Is it the province? And a brief answer, because we have a lot of questions we'd like to ask you.

Ms Eng: It was a long process. The province will have to tell us whether or not it believes that this process conforms with its legislation. They've written the legislation that just says—

Mr Runciman: If it doesn't, the board will not be supportive of this regulatory change; you'll tend to support your front-line officers in the concerns about the way this could be used or misused?

Ms Eng: This particular process hasn't been debated fully at the board yet. Tomorrow at the board we will be looking at this in detail. But I can assess from previous discussions that we will support very strongly what the force committee has come up with because we believe that it does serve the substance and the purposes of the regulation.

Mr Runciman: Do you have any feedback from the police association on this proposal?

Ms Eng: The police association was given an opportunity to review this structure. They have been given this

information by the senior officers and they've had an opportunity to look at it. Their first instinct was that they'd rather have no reporting at all, but they do have the material and I'm hopeful that once they've had a chance to review it and look at the circumstances they'll see some value in it.

Mr Runciman: Have I got time for one more quick question?

The Vice-Chair: One quick question.

Mr Runciman: When you're talking about these sorts of statistics and being supportive, even with this amended way that you're proposing it, and you talked about one of the ways that this could be used just in terms of pinpointing additional resources to deal with a particular problem area.

I wonder how that jibes with the board's view on the compilation of crime statistics based on race. I know that Metro council has just taken a position that it believes these should be compiled; that they will be useful. I guess I'm curious as to how you can say, "Well, these kinds of statistics on police officers are fine and will be helpful," but when the other issue is raised—and even Metro council now feels that they could be of assistance in focusing on problem areas and making sure that those problem areas are addressed adequately—I understand you've taken a different position. I wonder how you could justify that.

Ms Eng: When I answered this question last time I was here in January, I made the very clear point that—

Mr Runciman: That was before Metro council took that position.

Ms Eng: Yes, that's true, but the point is that the substance still remains, and that is: What purpose do you use statistics for? That's what defines whether or not they're going to be useful, and this—

Mr Runciman: That's the basis of the police concern, isn't it, about these other statistics?

Ms Eng: Let's make it clear: The only basis for asking for statistics based on the race of the perpetrator is to start to define a group of people as being responsible for crime, based on their race. Are you trying to suggest that—

Mr Runciman: That's your view.

Ms Eng: That is my view. You asked for my view and I'm giving it to you.

Mr Runciman: The police have a view in terms of their regulation, that all you want to do is prosecute police officers.

Ms Eng: Well, I'm sorry—

Mr Runciman: I just want to say that you're being very defensive about this particular matter—

Ms Eng: No, I'm trying to give you an answer.

Mr Runciman: I'm just trying to get you to appreciate the position of the police with respect to the regulation. They're saying exactly the same thing you're saying about crime stats, based on race. Exactly the same.

Mr Eng: I don't see the connection, I'm sorry.

Mr Runciman: Well, I do. It's clear.

The Vice-Chair: Mr Runciman, give her a chance to answer.

Mr Flynn: In any event, this matter has not again been discussed by the board once it adopted its original position. The position of Metro has not been put in front of us to be debated. I'd just like to throw in another situation: You seem to imply that I also have never been in a police vehicle, and I just wanted to—

Mr Runciman: No, I wasn't implying at all. Your inference is wrong. I have no idea what your experience is.

The Vice-Chair: Okay, let's move along now to Mrs Carter.

Ms Jenny Carter (Peterborough): Thank you very much, Mr Chair. M. Grandmaitre raised the question of relations between the Rae government and the police, and really this is an odd perception. First of all, it's very clear that the government does appreciate what the police do and the difficulties they have, and also, if you look at the facts, this government has actually treated the police pretty well.

I believe, for example, that we've given \$45 million, over and above the regular budget, to the OPP to take care of shortfalls they had. There's been \$6 million for training. In fact, more has gone to the OPP than under recent governments. I just wondered what your perception of that might be.

Ms Eng: Give me the question again; I'm sorry.

Ms Carter: Although there has been a tendency to see this government as opposed to the police, the facts don't show that. The OPP has been quite well treated under this government, in fact better than under some of the more recent previous governments.

Ms Eng: Well, actually, how well or not well the OPP has been treated is something that would be right outside my jurisdiction. The dollars that were given for their offices and how they were allocated and so on in response to the requests is something I wouldn't be able to comment on; that's for the record. Certainly, our board would like to have gotten some of that money for our offices. We have the same concerns. We do need additional personnel; we do need additional resources and technology.

One of the areas in which funding would be most appreciated and which we have put on the record as well is in the area of training. There have been a lot of promises in the last few months about moneys available for training of all sorts, and as the largest municipal police force, we would like to access some of that money. One of the things we find is that this money has to be spread across the province, and Metro's seen as an organization that is quite wealthy and doesn't need that additional assistance. Well, we do. We are also at 90% payroll. We don't have very much money to come up with the additional programs that are necessary.

I think that on the broader issue of what the government has done in terms of rights for police officers, political activity rights, that was one of the major things that did affect our officers more directly than, perhaps, the moneys to the OPP.

Ms Carter: Ms Eng, do you see that as a positive change?

Ms Eng: I think it is a very positive change. I think that's part of the concern that is at the bottom of how police officers feel about being part of the public process. In many respects, they feel that their rights are much circumscribed compared to others, and in the past, certainly in the area of political activity rights, that was quite so.

Along with other civil servants, their ability to involve themselves in the political process in legitimate ways was very circumscribed, and I think that again, a matter of coming of age, the new rights that were given to them were very welcome and necessary in a democratic environment. It starts to break the isolation between officers and everybody else.

What will also help that is another initiative the government has started, and I would like to see moving, the area of training. There's been a two-year-long study on training for police, and that has included a number of extremely important recommendations, including having police officers trained within the education system rather than segregated off into a police training stream; making sure that there's additional funding, that this be made a priority; that the level of education people already have when they enter the police force be upgraded and increased; that there be cooperative programs; that there be a real investment in training, because after all, when you're dealing with personnel, that's your only investment, that's in the training.

All of that has been recommended by a provincial task force. I understand that's not on the front burner and I think it's extremely significant that it move ahead. I think that officers and their training have lagged far behind what is necessary for the job they have to do.

1040

Ms Carter: To get back to the political activity thing, do you there's liable to be any problem with lines of demarcation as to what is legitimate for police officers to do, politically speaking, or what is not?

Ms Eng: I think that in a democratic society there's a fine line drawn. There's a sensitive balance that must be maintained when police officers in uniform seek to express their political positions.

Certainly, in opening up the political activity rights, they have to have rights like everybody else to state their opinion, but even in the legislation that came out and that's part of the common law, they're asked not use their position as police officers to exert the kind of undue influence that it can still have for people today. It's that balance that must be maintained in a democracy.

Ms Carter: Absolutely. You've partly answered my next question. Obviously, society's changing and the police forces have to change with it. How well positioned do you see the police as regards necessary change? You said that training is a big factor and obviously I would agree with you on that.

Ms Eng: I think that police officers, first of all, have to recognize that they're really at the vanguard of social change. They become a barometer of how society feels about itself and what its values are. They can take the lead

in many ways where other people will not have the same kind of impact.

Certainly, training is a major issue, but also values, also the kinds of stands that people take. For example, something that's not well known is that police officers are very much involved in community fund-raising, donations and activities. We don't hear about that much any more. It's not held up in our schools as a valuable exercise to serve the community in that way. Police officers do that every day. We hardly ever hear tell of it, and that's the way in which they, as police officers, can start to set some values.

In the current discussions over hate crimes, there's another role for police forces to take, and that is if we take a very strong, concerted and effective effort against hate crimes, then we start to set some values; we start to say unequivocally that we share the anti-racism, anti-bigotry values that most of society accepts today. What's more, we have, in our hands, the capability of actually putting into effect that kind of combat.

Ms Carter: I come from a smaller community, Peterborough, and I know that there the police are certainly seen as excellent citizens. They have a circus and disadvantaged children go to it and this kind of thing, so I certainly see that as being very important.

Mr Daniel Waters (Muskoka-Georgian Bay): Good morning, Ms Eng. I'd like to ask you or allow you the opportunity to make some remarks on what Mr Runciman wouldn't. I'm curious about that and I think that—

Mr Runciman: I disagree with that. I wouldn't allow her?

Mr Waters: You made it—

Mr Runciman: Come on. That's not correct. The chairman cut it off and moved on. Don't say that I said I wouldn't let her respond.

Mr Waters: At one point, Mr Runciman, you asked Ms Eng about had she been riding with the officers in the evening and that, and she said, "This is what I'd planned to do," and at that point, you cut her off and did not allow her to answer that.

Mr Runciman: I got on with the next question and she gave a 10- or 15-minute response and she had lots of opportunity.

Ms Eng: On that question, thank you for the question and the opportunity. That is something that is a concern to me. One of the things we're doing in the next little while is to go around to the different stations. I will be going down with one of the retiring deputies in the next couple of weeks to visit all the stations, as many as we can get to, to speak to officers and focus on some of the concerns they have.

I can tell you frankly that with the constant call of people saying, "Why don't you go into the back of the squad car?" to suddenly do that will seem to be awfully superficial and pandering. That's part of the reason. I have to tell you that I'm very sensitive to those particular demands. I find that to simply immediately, because all people are screaming about it, jump into the back of a squad car is not suddenly going to solve everything. I don't think it does. We've had an opportunity to move the

board meetings around to the different jurisdictions, and on those occasions I have an opportunity to meet with the senior command in each of those districts. They are as frank and as blunt as you can get on the issues. I've had an opportunity to get directly from them their concerns as well.

You have to remember that the board's responsibility is in ensuring a number of things: management, and to ensure that the senior officers have an opportunity to tell us about what's needed on the front lines, what's needed in the patrol cars. They have been very forthcoming in that.

I suppose I have to have some faith in what they tell me. I'm in constant contact with them. They try to tell us what the concerns are, certainly the current issues with the use-of-force committee. They have certainly tried to reflect the front-line officers' concern as much as they can. I have to put some confidence in what they tell me, rather than simply going into the back of a squad car in spite of them and saying, "I'll find out for myself."

Mr Waters: One of the other things I've noticed when I looked at some of the stats is that the strength of the Toronto force has been increasing, even under the police services board. What I would ask is, other than the job action, taking that—I know it's difficult at this point to set that aside. It's been almost a year since we talked, and I would like a comment from both you and Mr Flynn on this, actually, individually: How do you feel the police services board is working?

The process of having a police services board is a relatively new process compared to what we've had throughout the province before, where there's much more public input, I think, or higher profile than what we've traditionally had. I'd like both your comments on how you feel it's working and if there are different areas that we could look at improving.

Mr Flynn: I think it's very difficult to make a real determined expression about a change of name. I've been associated with the Metropolitan Toronto Police Commission and with the police services board for quite a few years, and nothing really seriously has changed. We have always been open to the public and had the public there. We've had many a meeting in which there was a very definite, clear attitude by the public that they didn't agree with what we were doing at times, and so on and so forth. They're still expressing that today. It hasn't changed very much.

The police services board, as it operates now, is not effectively much different except that we work harder, I would suggest. We put more time into it. You have to remember that in the makeup of the police services board, only the provincial members are paid. There's no special payment or additive to the salary of a member of council, because we consider that the member of council has a salary set which is supposed to take care of all his pay concerns or her pay concerns.

The fact is that there's always been a cooperative attitude. It was doubted that there would be a cooperative attitude when Chair Eng took over, and the other three appointees of the province. That has not worked that way at all. As a matter of fact, there has been a willingness to learn about each other, to understand our weaknesses and

our strengths, and therefore we work as a very cohesive group.

It's entirely possible that this would not necessarily be true about other organizations that come up, but in this particular police board, as Ms Eng has said, it has been a cooperative situation in which very seldom is there an argument between the balance of the province and the balance of Metro council. As a matter of fact, it's good enough that we take consideration even of the opinions of persons who are not able to be there on a particular day. We give consideration to their general attitudes, as have been expressed over a period of time. We're very much aware of all that.

We're there to make the police services board work, to make it a cohesive management tool which oversees the general operations of the police force. We're not there as individuals who are there to upset whatever situation is going on, but to try to make it the most productive situation that we can. I'm sure even Mr Stockwell would agree with that. I can see he's getting all roared up over that.

The Vice-Chair: Thank you. Moving right along—we'll catch you in the next round, Ms Haeck.

Ms Christel Haeck (St Catharines-Brock): I figured you would, Mr McLean.

The Vice-Chair: I have no choice.

1050

Mr Grandmaitre: I'd like to follow up on the makeup or the composition and the balance on the police services boards, because this committee, the government agencies committee, appoints people to different police service boards throughout the province of Ontario with no qualifications whatsoever, no experience, very little background, and we have very little choice. These people are appointed on Wednesday—they're appointed through an order in council—two weeks or three weeks after they appear before this board and we simply rubber-stamp these OICs. We simply rubber-stamp them. We have no veto. We can't turn these people down. It's impossible. I've dared the opposition to vote against these OICs—

Mr Runciman: The government.

Mr Grandmaitre: Yes, a government appointment. These people have never voted against it, never dared to vote against the OICs. We're a committee, we're a big rubber stamp.

Now let's go back this balance and this composition. Mr Flynn, you've been on both sides of this issue as an elected person and a member of the police services board. I want you to tell me, if you were the Premier or, let's say—forget about being Premier, because it's not very popular right now. If you had a magic wand, tell me about the composition of your ideal police services board. I'm talking about municipal appointments or Metro appointments and provincial appointments. How would you do it?

Mr Flynn: Let's dispose of the Metro appointments, first of all, because those are selected by council and undoubtedly there's some popularity, either by choice or cause, whichever that might be. If a person wears himself

out in the service, like Mr Gardner did, there's a grandfather clause which says, "You shall not come back."

So therefore we had a contest last Wednesday and, as a result of that contest, I was reappointed and a new member was appointed. Brian Ashton was appointed and he brings a different flavour, but it's still a political flavour, and the chairman of Metro's there ex officio and he brings his political flavour and his experience with him. The other members of the board who sit today are composed of a lawyer, a social worker, a priest-social worker responsible in the diocese for the social work content, and a teacher from Ryerson.

Now, if you were going to compose a board, you might shift one or two of those and place an active businessman, which has been the style previously. One of the things that we used to like to have before and is not permitted any more is to have a judge sitting with us, because we are in the appeal business and the judge's experience brings a great deal to us as a board when we're sitting in appeal. At the present moment we have a lawyer but we don't have a judge, and therefore we have some discussion about what the proper attitude should be in bringing down a decision on that.

Therefore, you would like to have the political sense, you'd like to have the legal attitude, you'd like to have the scholastic attitude as well and you'd like to have the business attitude. I don't know how you can say that any one of those persons is not experienced in community work, because each and every one of them has worked within their own specific community and the compilation of the community of Metropolitan Toronto.

So if I were selecting a board, aside from the person selected by metropolitan council, I might not want to have two people representing social services. I would like to have a person in there who is a pure businessman who's involved in the community from that point of view, as well as a scholastic and as well as the other persons. That would be the ideal board. Select four people through the province, if we're going to maintain that balance, to do it that way: business—

Mr Grandmaître: Business, yes.

Mr Flynn: —legal attitude and social service and scholastics.

Mr Grandmaître: What about a commission or a board with no politician?

Mr Flynn: Oh, that harms me. That strikes right to the heart. I have to tell you, without any political attitude at all—

Mr Grandmaître: No. Let's say the Metro chair would be ex officio and forget about the—

Mr Flynn: Forget about the others.

Mr Grandmaître: Yes.

Mr Chris Stockwell (Etobicoke West): That's you, Dennis.

Mr Flynn: Yes. I have to think about this very carefully, Chris.

Mr Stockwell: No, you don't.

Mr Grandmaître: I'm asking you this, Dennis—

Mr Flynn: I'll be honest with you. I've sacrificed a great deal of my life to sitting on the board. I have now served—

Mr Grandmaître: I realize that.

Mr Flynn: I now have served for 12 years—

Mr Grandmaître: Yes, I realize this and you're starving.

Mr Flynn: —and I don't want to see the political attitude removed.

Mr Grandmaître: I realize this, yes.

Mr Flynn: Because we're closer to the people than you are.

Mr Grandmaître: Well, Dennis—

Mr Flynn: That was the same old argument.

Mr Grandmaître: You haven't answered my question, though, about a services board without politicians except the—

Mr Flynn: Excuse me. Could I ask you a question in return before I complete my answer? Would metropolitan council have to supply a budget for the police in that case?

Mr Grandmaître: Dennis, you're before us to answer questions, not to ask questions.

Mr Flynn: That's what I thought. In any event, what I would suggest to you is that if you were not going to put any politicians on, then you couldn't in fact ask Metropolitan Toronto, through its political budget, if you want to say that, to have any interest. It wouldn't work.

Mr Grandmaître: It wouldn't work.

Mr Flynn: Who would explain to the public that in excess of \$500 million a year of their household taxes is going in fact to the police without a logical explanation? We're the only three people who can tell them.

Mr Grandmaître: What I'm getting at, Dennis—Mr Flynn—

Mr Flynn: It's okay. My mother always called me Dennis.

Mr Grandmaître: I'm talking about the balance. I'm having a terrible time not only from you but from other appointed people to a police services board. I'm trying to find this balance because, let's be honest, there's a perception out there that your police board is something like this committee: It's a rubber stamp, because you have a boss and that boss is the main boss and she will make the final decisions. That's the perception out there, Dennis.

Mr Flynn: It's not true.

Mr Grandmaître: Talk about this perception or—

Mr Flynn: That's what I tried to explain to you. We're a working board that looks at every proposition that comes before us to its fullest degree, to examine it to determine what's best and what isn't best, and it doesn't matter whether or not the chair of the board has a relatively good idea that hasn't been, shall we say, blossomed out and thought out to its fullest. We examine that absolutely and determine for ourselves what is the best for the police force out of any of those questions.

I think that you would be remiss if you didn't have the political side available to participate in that, to bring what we would call the street answer into the field for the answering of those questions.

Mr Grandmaître: Mr Runciman a little while ago pointed to your high-profile chairperson attracting cameras wherever she goes. Do you think this is good for your police services board, that there are all kinds of watchdogs? You must be sick and tired of these people hanging around your door.

Mr Flynn: Yes, I guess that's true, that we're a little sick and tired of everybody examining us every time we leave for the washroom or something like that. "Where'd you go? Did you ever come back?" and stuff like that. The thing is, the chair of this board may not have any greater profile than the first chairman of the Metropolitan Toronto Police Services Board. It was looked at in a different light.

1100

Mr Grandmaître: If I had a contest, I'd bet on the present chair.

Mr Flynn: To be more publicly favourable—

Mr Grandmaître: If there was a new lottery in the province of Ontario.

Mr Flynn: I have to tell you that she's only a member of the board. It happens to be that she's chair of the board, but you'll notice in the act, aside from sitting and chairing the board meetings, she has no authority as a result of that—

Mr Grandmaître: It's like the Metro chairman. He only has one vote.

Mr Flynn: That's right. And look at the mess you made of that.

Mr Grandmaître: That was my best accomplishment since I've been here, Dennis. I promise you that—

Mr Flynn: It may have been one of your best accomplishments, but you almost enlarged the unemployment rolls.

Mr Grandmaître: Next week I'll be sitting in your place and you can take my place and ask me questions about what I think of the new Metro. I'll pass to my colleague Chris.

Mr Stockwell: Let me start by saying there is a vast difference—I have a disagreement with the councillor from Etobicoke with respect to the differences of this board and other boards. Never has a board been so mistrusted and disliked by the rank-and-file cop in the history of Metropolitan Toronto, and I don't think you'd get an argument from anyone about that.

I don't put that at the doorstep of yourself or Councillor Gardner or a few of the others who have come on board. It's clearly a mistrust and dislike of the chair—there's no doubt about it—Ms Eng.

I put this to the chair. Considering the fact that you have virtually no support among the rank-and-file police, none, so much so that they've called for your resignation, that among any citizenry I've spoken to or seen polls or phone-in shows about, your support is certainly dwindling, if marginalized, at this point in time—I would say the

majority of citizens in this Metropolitan area would prefer you step down—how does this affect your job, and what constituency are you representing if you're not representing the majority of citizens and the rank-and-file cop? The question must be put to you. It seems to me that in a short two years you've alienated every cop, most of the citizens and the question is, why?

Ms Eng: Thank you for the question. It's certainly a good summation of unfounded statements and speculation on your part.

I think the point is that leadership is not a popularity contest. The kinds of changes that this board has stood behind and has focused on are the kinds of changes that are needed today. They are issues of accountability. The public is demanding that. People who understand the issues will see that this is necessary. If it was not me in this chair it would be somebody else, and that person would be the lightning rod as well.

I think the time has come that the page in history has turned. We're not going back. The issue of people saying, "Show me how you are using force; show me how you are using the public authority," that time has come and it's not going back.

If you want to personalize this and make it into some kind of personality cult or politics, that is your profession; that is your right to say so. But my profession as a lawyer and my responsibility as a public servant is to take a look at what's going on in the public mind, the issues that are important to us as a society, the need to ensure that there is truly effective policing, not just at rallies where people are shouting slogans, but every day on the job. We have to make sure that all of the public, including people who feel themselves disenfranchised, feel that they have equal access to public services.

That is my job and that is not a popularity contest. I don't know if I can make everybody like it, but what I hope, at the end of my term, is that people respect me for what I've done.

Mr Stockwell: Let me be blunter, if I can. If you think that's speculation, it just shows how out of touch you are. There's no speculation. The rank-and-file cops don't trust you or respect you. They've called for your resignation.

Ms Eng: Art Lymer has called for my resignation.

Mr Stockwell: Art Lymer represents the rank-and-file cops, and any rank-and-file cops I speak to agree with Art Lymer, and I've spoken to a number of them.

Ms Eng: Speak to some others.

Mr Stockwell: Give me a list of those who support you, because I can't find them.

Ms Eng: That's not the way leadership is done, Mr Stockwell. I hope you recognize that if you ever get into cabinet.

Mr Stockwell: Recognize what?

Ms Eng: That you don't take a popularity poll to make your decisions.

Mr Stockwell: I'm just putting the question that you have virtually no support among the rank-and-file cops. Of the citizenry I talked to, there is sincere mistrust of the way

that you're directing the police force and the leadership that you're offering.

You say it's not a popularity contest. I agree. It's not a popularity contest. But if you're to take us in this new direction, if you're to take us down this new road, don't you think it's important to have some support among the police and citizens of this Metropolitan area, so you can lead them to wherever you think we should be going?

Ms Eng: You're right, Mr Stockwell. It's very important to have that and I have that. I have spoken to a wide variety of public groups, community groups. If you wish, you can have my speakers' list. I have spoken to a wide range of people—educators, Kiwanis clubs, people in political processes, people who are just ordinary community groups—and they indicate there is a real need for the kinds of things I'm talking about. They indicate that there is a real desire.

I have spoken to senior officers who realize that this is necessary. There are individual officers who speak to me on this basis. I'm listening to a different group than you are, it seems to me. It seems to me that if you come with me on those speaking tours that I have been engaged in—they're not a limited group of people; they're quite a broad range of people—and listen to what they have to say to me, they too are making a commitment to the kinds of changes that we have to have.

I think that when you take a good look at this and recognize the kinds of issues we're dealing with and the anger and the frustration that some parts of society feel, we have to do something. What we have been doing up until now is not enough. There has been a lot of goodwill, but right now we have to start managing that goodwill and bringing some kind of solution to this. It won't be simply standing up on some kind of podium and saying, "These people are perfect; they can do no wrong."

Mr Stockwell: Gee, I've not heard anyone suggest that these people are perfect; they can do no wrong. I don't know where you're getting that. I think there's always been a—

Ms Eng: Same place you're getting your stuff.

Mr Stockwell: No, they've always suggested that in the past the police have come under scrutiny at various points in time in the last 10 or 15 years, and certainly since my time on council there were a number of occasions where the police came under scrutiny. Whom am I speaking to? I'm just speaking to the folks. I'm just going out there and that's what they're telling me. I'm not speaking to service groups or organizations. I'm just speaking with the people I run into on a day-to-day basis. Now, we must be speaking to different people, because the answers that you're getting are clearly very different than the answers I'm getting.

With respect to the police themselves, let's talk about the police. There seems to be some rank-and-file disenchantment, widespread, I would suggest probably the majority, maybe the vast majority of the rank-and-file cops who are on the street facing down these problems on a day-to-day basis, with respect to your leadership.

Now, we may be talking to different citizens, but you can't tell me that you're talking to the cops and they're

telling you they think you're doing a wonderful job, and to keep it up. Maybe we have some different people speaking to us from the citizens, but the cops have to be telling you that they're not enthralled with the job you're doing. They've called for your resignation, Art Lymer and the association representing the thousands of cops in Metropolitan Toronto. How is it that you think you can best represent these people as chair when you don't even have their trust?

Ms Eng: Well, let's put it this way: I don't run the police force. The board as a whole doesn't run the police force. The chief and the command officers run the police force. What is happening right now is a very important organization, a change that is very important, and the senior officers recognize this. What we have to do is recognize that the policies this board has engaged in—as Councillor Flynn has mentioned, I'm not the person writing these policies and shoving them through. The board as a whole is adopting them. The chief and the command officers are implementing them.

They have bought into the processes. They are the ones, for example, in the use-of-force reporting who have worked very long and hard to construct a process that will work in accordance with the policy we have structured. In the hate crimes area, it was something they had been working on that the board was very much concerned with and gave them direction on. They have come up with the implementation process to make that happen. It's their job as a group of management to try to encourage the police officers to follow suit and to understand the principles behind the new processes. That's the way the system is supposed to work.

1110

Mr Stockwell: But it's not working.

Ms Eng: It is working, I'm sorry, and you should ask the chief and the command officers whether it indeed is working. Before you got into the room, I emphasized the fact that the budget, a very large budget, a budget that some said a year ago was out of control, is now under control. That is done not by me, not by the board, not just by the senior command officers, but by individual police officers recognizing that there's an organization they serve. They're willing to serve it and they're doing their job as professionals.

The things that you're talking about are over on top of that, but at the end of the day, this police force is functioning and functioning very well, with the solid support of the senior command and the individual officers. Whatever you want to make of that, go right ahead, for political purposes, but this force is working and working well.

Mr Stockwell: Let's move on. Political purposes or not, if you believe, if you have any thought in your mind that the rank-and-file cops support you, and specifically you, you are so out of touch it's unbelievable. They don't, and as long as you want to live in this fantasy land that you think they do and in this world where by implementing these programs senior cops are supportive, and the other cops are supportive and think this board is doing a great and a wonderful job, you couldn't be any further from the truth. If that's what you want to go ahead and think, that's

probably why there's this widening gulf between you and the cops on a day-to-day basis.

To move on, on Chief McCormack, I heard you on radio not long ago and the question was put directly to you, "Do you want to get rid of Chief McCormack?" and you avoided the question maybe two or three times. My question is to you directly: Is the chief doing a good job? If he is doing a good job, do you support the chief and firmly believe he should be in that position?

Ms Eng: The chief is actually doing a wonderful job. This recent job action is proof of that. It was a very difficult position. He was put into that difficult position by your friend Mr Lymer, and the calls for my resignation over some kind of confusion they built in their own minds that I was trying to—

Mr Stockwell: No, I think he was put in that position by your friend Mr Rae.

Ms Eng: What did you say? I am sorry.

Mr Stockwell: I said I think he was put in that position by your friend Mr Rae.

Ms Eng: Well, I doubt it.

I think it's quite clear that if you look at the media, which you seem to read very carefully, Mr Lymer made a number of calls to arms among his officers, which ultimately made it very difficult for the chief to carry out his proper duties.

In this case, he felt that while he was sympathetic to the concerns, and we all were sympathetic to the concerns the officers raised about the new reporting regulations, none the less, it was his view, and the board supported him in it, that it was his responsibility to maintain internal discipline on the force, and that internal discipline included obeying his direct orders. Mr Lymer directed his officers, compelled his officers not to respect that direct order. He was put in a very difficult position.

When he ultimately decided that he had to go to get a court injunction to shore up his authority, we supported him in that, and I support him in taking a very difficult choice. I still support him today when he maintains that he must insist on hanging on to the documentation and not withdrawing, as Mr Lymer has asked that he do.

What we're dealing with right now is a chief who's been put in a very, very difficult position, and I can't think of a better person to do that job. He's very popular among the officers, he has a lot of personal esteem and he is the person who's going to hang on to that very important principle, that regardless of what your political protest is, first and foremost as police officers you obey the direct order of your chief, and we support him in doing that.

Mr Stockwell: So you support him in his job and see no reason to move him out.

Ms Eng: Not at this point, no.

Mr Stockwell: Not at this point in time.

Ms Eng: Well, no, because this is the time you're asking me the question.

Mr Stockwell: Okay, I'll pass the question.

The Vice-Chair: Two minutes left.

Mr Runciman: Two minutes left? I'll ask you a question related to weaponry. You had mentioned earlier that one of the roles of the board was to ensure that they had adequate equipment, I think, and you know that the view of most front-line officers and their associations is that they want to have semiautomatic weapons.

I've had a number of officers describe to me the problems with 38s, not just their fire-power element but getting out the revolver on a quick basis and getting an adjustment. They're very much supportive of doing what other forces in Canada and the United States have done, and that's making available that kind of weaponry. What's the board's position on semiautomatics?

Ms Eng: The board's position on making semiautomatics available has not been fully discussed, but the issues are as follows: The greatest issue for our force is the cost and the training. There is additional training that's necessary for each firearm. This is a difficult weapon and it needs additional care. Officers cannot just move from one gun to the other.

In our force, when we're talking about nearly 6,000 officers, that is a massive investment of time, resources and of course money to buy the weapons. Our command officers have looked at this intensively and they recognize that they may not be able to buy any more 38 revolvers, because manufacturers are starting to phase them out. They recognize that they're going to eventually have to change over to semiautomatic. What we're recommending—what the senior command have recommended to me, rather—is that we do this slowly, do it over time, and make sure that they test the different weapons to make sure that they've got the right one, to make sure that the different officers are comfortable using it and that we're able to provide the necessary safeguards.

Ms Haeck: I'm interested in some of the comments from the third party in particular, because I guess, having worked as a public servant myself, I was aware that a lot of the library board members who were looking after our library in fact didn't even use the library, so the kind of comments that are coming forward—

Interjection.

Ms Haeck: No, not at all.

Those people have the same responsibility for looking after an agency that the police services agencies do, and I would suggest to you that if you're going to make these analogies you'd better be damned careful.

Mr Stockwell: Can they read?

Ms Haeck: That's always a good question. The whole orientation question is one that interests me, because I would suspect that a lot of the people who have listened to the hysteria promoted by the third party probably don't understand the kind of orientation that you as board members undergo. Could you give me an idea of what kind of orientation that you as new board members participate in?

Ms Eng: There has been a lot recently and there could be lots more. The Ontario Association of Police Services Boards has raised this issue several times in the past few years to say: "We recognize that being a board member is a specialized function. There needs to be training. There

needs to be orientation to issues and there needs to be a lot more time allocated."

We have to start looking at more full-time people on police services boards throughout the province. In our force, what we have done is that whenever there is a new board member, we ask the chief and command officers to assist that person in getting an idea of what we're doing. The new board members last year were given a tour, were given an opportunity to visit the different divisions and to spend time with the officers so that we'd get to know the organization itself.

In terms of the broader issues of labour relations or training and community input, that's something the Ontario Association of Police Services Boards engages in. They have some training programs. More money is needed; more time and resources are needed.

Ms Haeck: How many members of your board would be sitting on a labour relations or personnel committee?

Ms Eng: At the present time, I generally am the person appointed on the bargaining committee, and that's because of my full-time status and so on.

Ms Haeck: What kind of support would you be getting in that?

Ms Eng: I normally bring most positions back to the full board to get its direction. We also have, of course, a full-time labour relations director, which other forces don't have access to.

Ms Haeck: I've been meeting with some of the police in my own area, and I think you're probably aware that I represented St Catharines-Brock, which is part of the Niagara Peninsula and we've had the Colter commission going on there for over four years and we still haven't had our final report. Definitely, a number of the recommendations coming out of that commission will be making comments about education and training within the force. Do you have some sort of handle on the education that you would see as an initial requirement for officers coming into the force?

Ms Eng: That whole issue of training for police officers has been something that's been reviewed by a provincial task force. They've done quite a lot of research in it and they've focused on a number of issues, right from the types of skills officers should have, including problem-solving rather than the physical skills, to where they should have their education and when they should have it. I think the merging of the police training with the ordinary educational system is an important process—

Ms Haeck: I agree.

Ms Eng: —not only in terms of efficiencies of scale, but also in terms of staying close to the community you're ultimately going to police and to break some of that isolation down. There is also a question of lifelong learning and training, that issue of not having your education or your learning stop after you finish school, but throughout the course of your career. And throughout the course of police officers' careers, which run for 25 years, there are a lot of changes.

Ms Haeck: I had the occasion to be at a community meeting not too long ago, and there was a comment made about a new officer getting training within our local force. The manual was on one side, and the officer doing the training said, "This is what the book says, but if I were in the position, I would be doing this," and basically they were worlds apart. Are you aware whether that is the situation you're facing in your force too?

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Ms Eng: Clearly, that is a function of the manuals not keeping up to date. It's also a function of the training not necessarily being in lock step with what's happening in the rest of society. That's the importance of merging the two streams.

At the same time, there has to be a recognition that officers tend to learn from each other more than they learn from manuals, and the type of training then has to shift from lecturing and book learning to experiential learning and in-service training, which is what is also being proposed.

Ms Haeck: Have you a handle on the kind of in-service? The in-service area is obviously one that is under some scrutiny at this point and what you are promoting.

Ms Eng: I'm very supportive of the recommendations that have been made by the task force on these issues, because there needs to be a much more effective training process, it has to be comprehensive, it has to reflect on how adults learn and how people learn while they're on the job and so on. It's very important that these issues be introduced, especially in the police organizations.

Ms Haeck: I've just been made aware that a couple of my colleagues have some questions as well, so I will defer.

Mr Marchese: One of the usual questions I ask, and that would be directed to you, Ms Eng, is why on earth would you ever want to be the chair of the Metropolitan Toronto Police Services Board? But I'm not going to ask you that question; I'm just going to acknowledge the courage you have in being the chair, and I think it's great that you're there.

My question is to Mr Flynn, to be a little fair to Ms Eng, because Chris Stockwell asked a number of questions that were difficult. He pointed out that she has no support from a number of police people. He didn't say why, but simply said that you have no support and that people say you should resign, and asked why that is. I thought it would be a little more fair if Mr Flynn answered that question. Why do you think some people in the police force might hold some views about Ms Eng in terms of the role she's playing as a chair?

Mr Flynn: I think you find that very evident in every walk of life, especially in unions. As almost any political legislature would be set up, there's the centre and there's the right and there's the left. Always, it seems—and you'll forgive me for this, because you happen to be on my left—that the left always seems to be more strident in its search for the truth.

Mr Marchese: The stridency is over there.

Mr Flynn: No, no, strident in their search for the truth. That's why I asked to be excused before I made such

a statement. I'm not talking about him. I had to deal with him for a number of years, and it didn't make me a happy gentleman all the time.

Anyway, it happens—and I believe this honestly—that there's a group of police officers who would like to see a change in their conditions as far as leadership at the top is concerned and so on and so forth. That isn't to say that the man who's there isn't doing a good job on behalf of most of the police officers who are members of the association; they all have to be.

But as in any union, there's always a rump group that wants to unsettle the leadership, and it does that very well. At certain meetings, they'll be the people who turn out—they'll be the people to get the vote turned out, in actual fact—regardless of what the president of the association says.

It's quite true that there was a statement in the newspaper that somebody, through Mr Lymer, asked for the resignation of the chair of the police services board. We dealt with that as a board and we said no. Even if she had an intimation that she might like to do that because she was being put upon, as you saw today, in that way which I don't think is fair, in fact the board believes that over the two years, Ms Eng has grown from the person who was in opposition, previously, in her seat on the board, to a person who's now trying to guide the board in a direction which accepts the changes that are being made in society.

That's the situation out there. There will be people who criticize her, but there's nobody in the police force that I've ever heard of who criticizes her for the example she gave us in bringing forth the budget last year. It was a very trying and tiring thing for her and for the staff of the police force, both civilian and uniformed, but every one of them had praise for her in bringing forth that budget, and so do I.

Mr Marchese: I have another question. You both alluded to a new era of policing in Ontario. I draw analogies with teaching and teachers—that's my background—that a number of teachers have also complained that their role is changing as educators, that they now have to be psychologists, psychotherapists, they have to be police officers and educators and so much else: mothers and fathers and so on. My answer to that has been that society's changing and therefore teachers have to change with that. They cannot any longer be a teacher who is simply taught to read and write.

The same example holds true of policing. Demographics are changing, new immigration patterns are happening. New pressures are brought to us as a society in terms of organizations and how we deal with those new pressures. That is why I think you made allusions to a new era in policing. It must be difficult for police people to deal with this change. How are we coping with that? Both of you might deal with that.

Mr Flynn: I see it differently from you in some sense. Yes, there's a big change coming in because there's been a big influx of immigrants. But I'm an immigrant: I came to this country and I lived at Bathurst and Queen and I moved out to College and Dufferin, and at College and Dufferin we had the psychologist on the police force. He was the

guy who rode the bicycle up and down, he was the guy who was first in, in everything we did; it didn't matter what it was. He was the beat cop. We're getting back to that community police officer.

But we were a society at that time composed of all the same elements you see around us today. There were blacks on the streets, there were Jews on the street, Catholics, non-Catholics, there were Italians on the street. Everybody was there. There was no difference, just numbers. That's all it was. Orientals, whatever you want to ask for, they were all on the street on which I lived. They lived there, and the community police officer—which we didn't call him; we just called him the beat cop—had the bicycle and seemed to be everywhere we were; therefore, we were a relatively obedient group of people.

Society is moving faster. It's changing much more dramatically. It's better educated than the society I lived in as a child and it's more interested in what's going on. It wants a voice in what's going on. It wants an intrusion into government, the police, social services, hospitals and everything you have. It wants to be there.

The Vice-Chair: Mr Rizzo.

Mr Marchese: Mr Chair, I have another question. I wanted an answer from Ms Eng as well on this, but I want to ask the other question on keeping statistical information by ethnic groups.

I've always been concerned about the use of statistics. It's not so much keeping statistics as how people use them. That is my concern. You may have answered this before, but I wasn't here. I would like to hear from you, and if Mr Flynn has an answer to that, I'd appreciate an answer.

Ms Eng: I think the important thing to look at is that a group of experts was called together about this time last year to look at whether, as criminologists, as people in the criminal justice system, they could have some usefulness for crime statistics based on the race of the perpetrator.

They sat together in the room for two days, and at the end of the two days they issued a report to the federal Solicitor General and said: "We can collect whatever statistics you would like us to do, but first you have to tell us what you're going to use them for, because we don't know where to get the information unless you tell us the purpose of your inquiry. We will collect statistics in a certain way if you're going to use them for one purpose and in a different way if you're going to use them for a different purpose."

The only people I hear screaming for statistics are those who, I've said again and again, are seeking to rise up on their hind legs and point to this group or that group as being the cause of all our social ills. That's the danger of having statistics of that nature.

There is some usefulness to those statistics which has been raised in other forums; that is, give us statistics to show how there has been discrimination in the criminal justice system. This was done in the native justice inquiry in Manitoba. They showed unequivocally, using different kinds of data than are being spoken of at the police board, that native Canadians suffered in the criminal justice system on account of being native, because of a number of things: not just direct racism, but also their position in society, their

level of poverty, their socialization, the lack of understanding of what the guilty plea means. All of that all added up to an overrepresentation in the jail population.

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In the recently announced review of the criminal justice system they're seeking to look for the same thing. In England, they've done those statistics and they've done that research and they've found, without a doubt, that blacks were treated more badly by the criminal justice system than whites.

If you want those answers, if you want that research done, the statistics are available to you. But if you're going to suggest that one race of people is more likely to commit a crime and therefore, after you have that answer—supposing you get that answer—what will you as legislators do with that information? Are you going to exclude those people? Are you going to put bands around their heads? Are you going to send them out of the country? Or, as one person said, should we screen those refugees more carefully? What are we going to do when we get that kind of information, if it were available?

That's where we have to be careful when we talk about statistics. They can do a lot of good but they can do lots of harm, and so far I haven't heard anybody running around saying, "I'd like to use these statistics for good."

The Vice-Chair: We'll let Mr Rizzo have one question.

Mr Tony Rizzo (Oakwood): It seems to me that when anyone talks about any police force there is a tendency to emphasize everything that's positive and gloss over the undeniable problems that still exist. Once in a while it makes the front pages in our printed press. My question to you is, what are the real problems with our police force and what can be done about them?

Ms Eng: First and foremost, we have to realize that there have been a lot of inquiries and reports and allegations, some of which have come to light, some of which have been admitted. And before I answer that question I want to focus on the fact that the vast majority of police officers carry out their duties in an exemplary way and not very much gets said about their work on a day-to-day basis, because when problems come to light we start zeroing in on the causes and the cures, so of necessity we're focusing on the negative.

We should recognize that when we focus on looking for solutions we're not meaning to cast a shadow over all the vast majority of officers who do their job with the utmost professionalism. They deserve a nobler image than they have gotten in recent times. It's not enough to simply say, "Well, they are perfect," because that's not selling. What you have to have is an organization that recognizes that there are problems: "We recognize them, we admit them and we will clean them up." Once you've done that the book is closed and you don't have to worry about it any more; it's absolution.

Mr Alvin Curling (Scarborough North): I don't normally sit on this committee, but I heard both of you were hear. I know the tremendous contribution both of you have made to policing in this province, and I want to commend you for the standards you are taking and the kind of

work both Mr Flynn and yourself are taking. It's a very difficult role.

I just want to maybe ask you two questions. You mentioned that statistics and information are so important to your job, and what we do with them. When this government came in, it immediately set up a task force under Stephen Lewis to look at things that had been said over and over again are happening in this society, and he brought his report out. I wasn't excited about it because I knew exactly what was going to come out of that.

Then we set up another one, and Clare Lewis continued to do the things he had said before. That came out about five weeks late. The government was so anxious to get its hands on it, because it wanted to proceed. It has been out. Do you feel, with the report of the Clare Lewis task force, that the government has been—I don't want to say upfront—unable to act on it? It's been out, but there's been no response. There are many things in there about training that should be proceeded with. Do you feel you get that cooperation from the government, to act upon reports that come out so you can do your job effectively?

Ms Eng: I think that the last month or two, a lot of governmental, ministry and political energy has been spent on something that could have been better spent in looking at the longer-term problems you're talking about. I have some problems with the multiplicity of reports as well. The philosophical way of looking at it is that the reports will keep coming until we solve the problems, so my focus for our board has been to start going after the workable solution.

In the area of race relations, rather than tacking on another task force or having another training session and so on, we've given the responsibility over to one of our senior deputies, a person who's the deputy of field, the central function in the organization, to say: "This is a day-to-day issue. It's not something for community programs. It's something for the core policing activities." He has that responsibility and I'm confident that he'll start making some real inroads into fundamentally changing the kinds of issues we're dealing with.

I think one of the things that's important about institutions like ours, and any institution, is that standing outside the walls of the institution and shouting at it will not make any change. What changes things is a cohesive process internally. We have the focus of the senior command now on that issue of focusing on the solutions. We've looked at the Younger-Whitehead directive and looked at the issues that were raised in that inquiry. We've looked at the race relations audit and the issues that were raised there.

In each case, the response has been to make sure it's a central focus at the senior command. That's the route to solutions over the longer term, not more task force reports.

Mr Curling: The second question I have is, do you think the government has given enough resources to the special investigations unit to do its job?

Ms Eng: I think they need more resources; even police officers say the same. Our senior command has indicated, the complaints of misalignment notwithstanding, that the special investigations unit can be one of the most important safeguards for police officers, who recognize

that the public now demands independent organizations that will do investigations of serious injuries at the hands of police.

What that does is also create an independence that the police officers can point to and say, "Look, there's a unit that's done a valid investigation and has found us not to be culpable in the circumstances," and that has occurred as often as charges have been laid and that's an important record.

Now, whether or not they have the resources to do that, the answer is no. They haven't got enough to have the adequate forensic investigation team that they've asked for and that our senior officers have recommended.

Mr Curling: The police insist that all the members should be really sitting with investigative ability from the police force; maybe retired police officers should sit on the SIU. Do you agree with that? May I just add to that? There are people who are trained to investigate. There are people within the insurance industry and the private sector who can do just as good a job of investigating. Do you advocate that only police officers or retired police officers should be SIU members?

Ms Eng: Certainly, police officers and retired police officers have the best experience and capabilities to do the work, but that goes against the desire for independence from any police organization, and you have to recognize that police officers were civilians once before they got trained, so there has to be a proper mix. You have to assess the investigative capabilities objectively, rather than determining on account of what their profession was before they became investigators on the SIU.

Mr Curling: One last question: The public complain that there are concerns about that, that it's not working as effectively as it should. Do you have any concerns about that, that it is not working the way it should? I have had complaints to my office that people are not quite happy with how it is proceeding.

Ms Eng: It's been in place for 10 years. It's worked out a lot of problems over the years, including acceptability by both the public and police, and it is now being introduced across Ontario.

It has become a very important opportunity for people to make their complaints, have their complaints rationally dealt with, and then ultimately acted upon if there are some problems in trends. I think that in many ways it's gaining acceptability. No one will ever be perfectly happy with the system that's put in place, but it's a very important mechanism for independent investigation.

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Mr Curling: A last, quick question: There's a training recommendation set forth by Clare Lewis in his report. Do you agree with that? Part of it is saying: "I thought that the community colleges would be much more involved. It seems to me that the police want to have more control of their training and not as much involvement with the community colleges and all that." Do you agree with the concept? Maybe you've not had an opportunity to delve into it yet with them.

Ms Eng: I agree with the recommendation that has become quite current in many circles that police training should be much more integrated with the ordinary education system. There are certainly some types of training, investigations and intelligence work, that require segregated training, obviously, but aside from that, the social service aspects, the management aspects, the problem-solving, all of those issues, those kinds of skills can be easily developed as part of the broader community, and on balance it's also better, because they can remain in contact with the community that they will ultimately serve.

Mr Runciman: I wasn't going to raise this issue, but given Ms Eng's approach in terms of her response about crime statistics based on race, and she seemed to climb aboard a high horse there in a rather condemnatory response, I thought, which is pretty all-encompassing, people have expressed an interest in the beneficial use of these sorts of statistics, including Metro council, including the FBI, including NAACP in the United States.

I just wanted to know if perhaps you approach this question and approach a lot of these issues with total objectivity. Perhaps you have your own biases and perhaps even a chip on your shoulder in respect to these sorts of questions. I'm not trying to be nasty; I'm going to raise an issue here—

Mr Flynn: I'd like to qualify something for you, if I may. Metro council has not adopted what you think it has adopted. It's the city of Toronto council which did it. We have never discussed it in Metro. Although we have discussed it at the commission and have adopted some time ago a decision which Ms Eng is speaking to at this particular time, we have not brought that matter before us again.

Mr Runciman: Okay, fine. I appreciate that clarification; thanks very much.

Mr Flynn: It's pretty important.

Mr Runciman: Yes, it is. I think it's still important that the city of Toronto council feels that these are helpful and has expressed that view. Even though you haven't had the opportunity to debate it, you've certainly expressed your own personal view on it here today. I guess I raise the question about your having a particular bias in this area because of comments that were raised in a couple of columns by Christie Blatchford in the Toronto Sun which you will recall, and I'm sure perhaps you do not want raised, related to a gentlemen by the name of Dwight Anderson whom you interviewed.

He contends that you made some rather derogatory remarks about WASPs, suggestions that WASPs can take "cheap shots" because they're "running the institutions" and a number of other comments that Mr Anderson made, which I gather through Blatchford's column you declined to respond to specifically as to whether you did make those kinds of comments. I guess I'm going to give you the opportunity, rather than get into a lengthy dissertation, to indicate if you did make those comments, and how you explain them.

Ms Eng: That is such old news, and it was even longer ago that I ever met Mr Anderson. Frankly, as I said at the time, I don't recall whether I said that or not, and it

was a private conversation and that was that. But I think that if you want to raise the issue of race crime statistics, perhaps you can tell me what you would use them for. That's what I'm trying to get the answers to. I've not gotten that from anybody.

Mr Runciman: I think you should perhaps talk to the FBI. I think you should talk to the NAACP.

Ms Eng: The FBI? I can think what they use it for.

Mr Runciman: They believe they're used for useful purposes, and my point again was that—you don't want to draw a line between the two, but I see a very clear and distinct line here in terms of the police concerns, rank-and-file police, about misuse of compilation of statistics.

You were trying to address those with your four-step process—you mentioned that—so I think that to be supportive in a broad sense, and certainly the government is in initiating these, and to take an opposite position when it comes to other matters in terms of compilation of crime stats based on race which may indeed have some beneficial aspects to it—I'm certain you can take a look at the negatives and preclude those, as you say you're attempting to do with the police concerns. That's my view. You've simply got blinkers on on this one, but you don't have when it comes to the other matters.

Ms Eng: I think I'm getting the line that you're trying to draw, but I think it also supports the point that we're trying to make, and that is that when we note that in some areas of the city there are heightened numbers of gun calls, or there seems to be a real need for officers to draw their weapons, we have to look at that to see if that area is one that needs resources and needs a different approach, perhaps a backup, perhaps additional personnel and different deployment and so on. That's the positive purpose to which we would use those statistics.

There isn't a negative to that, that I can see. In the area of race crime statistics, the ones that you've raised dealing with the race of the perpetrator, I haven't found anybody who can give me a good reason for policing purposes to have those statistics and how they would use them. None of our senior command officers have come up and told us what it is they would use such statistics for if they had them. I'd like to hear it from you, since you seem to know as well.

Mr Runciman: I don't profess to be an expert in this area—

Ms Eng: I'm still asking.

Mr Runciman: —but we're going to be calling people before us who will have a view, and that's part of this process.

Ms Eng: Fine; good. I'm glad to see it.

Mr Runciman: We want to hear all the opinions. I'm just saying that there's another opinion out there, supported by some pretty strong agencies, and you seem to have, as I said, blinkers on. You've taken a position of great offence in terms of anyone who supports this, indeed, as I said, drawing into that tent people like the council and city of Toronto. I have some concern, especially if you

made comments like that gentleman suggested you made or indicated you made in the Blatchford column.

Mr Stockwell talked about some of the perceptions of you with the public. I'm not going to get into that, but some of the things that you said initially—you may say this is old news; it's only last year. This was a comment by June Rowlands and some quotes from June Rowlands about some of the things you said upon accepting your role as chair, that the force has "to know that someone who has the mandate to set the policy agenda actually will enforce it by insisting and directing the chief will do x and y." This was as you were going into the job. You said the board is about to emerge from a period of irrelevance and has been a captive of the force.

Perhaps Mr Flynn addressed those kinds of comments in saying that you have matured in the last year. I'm not sure; he may want to expand on that. But I think some could say that you perhaps had an attitude problem when you assumed that job, and I'm just wondering if your views have changed much over the course of a year's experience in the chair, versus the approach and the comments and the attitude that you came into that job with.

Ms Eng: I remember those comments. While they might have been stated in a more pleasing way, I still stand by the sentiments.

I think you have to recognize that the role of the board is and always should have been that of civilian governance of the police. What that means is that we do our best to make sure that we set our policies cooperatively to get all the necessary input and so on, but at the end of the day, the board has to take a position and take a stand. If we're at loggerheads, we're going to have to resolve that somehow, but ultimately that's the authority. That's why you have a civilian authority. I stand by those comments and the sentiments behind them. I hope to be able to express them better in the future.

The Vice-Chair: In order to equal the time out, the government party has eight minutes, and that will be equal time for all.

Ms Carter: One thing we haven't talked about is the effects of the job action that just took place. Obviously, you've just been through a period of tremendous stress, and it's still not entirely plain sailing. What do you feel will be the long-term effects of what has just happened as regards internal relations, relations between the chief and the police association, between the police and the public and so on?

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Ms Eng: I think that's an excellent question. We should never go through turmoil like this and not learn something from it. It was not a pleasant situation for anybody involved. No one won out of this process, but I think that once the dust settles, and it's starting to settle now, we'll see that there have been some important lessons for all of us. One of the most important, ultimately reinforced by the courts several times, is to say: "Look, people have legitimate avenues for voicing their political concerns. Use them with our blessing." But the spectre of a police force disobeying its police chief, whom they well regard and

they have a great affection for, as the court was quick to add, is something that affects the public interest and drives a real stake in the heart of a democracy. It's something that we must be very careful about.

It's an important message. It was a legal precedent to have court injunctions in a police job action. I think that, regardless of what the general populace thinks about the regulation, about their government, about overregulation, about handcuffing police and so on and so on, at the end of the day they are still much more concerned with the visceral effects of a major police force disobeying its chief.

Ms Carter: Do you think there's been any damage to public trust of the police in the long term?

Ms Eng: It can't help.

Ms Carter: What about the financial side of it? Was that significant as far as Metro Toronto is concerned?

Ms Eng: There is an impact on Metro coffers from the lack of tickets and also on provincial coffers from the provincial offences tickets. The dollar amounts are hard to judge, because you don't have a necessary average. But there's definitely an impact.

Ms Carter: Yes. You can't name a figure to it.

Ms Eng: It would be in the hundreds of thousands.

Ms Carter: Just while I have the floor, I'd just like to say, I'm looking at a list of the expenditures of the police services board itself, and if all budgets had moved in the same kind of way in the last few years as those have, we'd be looking at an excellent situation. I notice that your budget for 1992 is below your budget for 1989 by \$20,000, and that certainly looks like an excellent record. I congratulate you on that.

Mr Marchese: Ms Eng, you made reference to your feelings regarding the multiplicity of reports and task forces and training sessions. You said the way to deal with it is to get people in the field to actually do the delivery of the work that usually task forces identify. So you assign that task to the deputy in the field—deputy, superintendent, I don't remember who that task was assigned to.

Ms Eng: It would be Deputy Clark.

Mr Marchese: Okay. What does that person do, however? What do we say to that person in terms of what his or her task is? What kind of training does that person go through and by whom?

Surely, we can't simply say: "Well, here are the task forces. This is what they've said. You know what it's all about." But how do we help that individual to make sure that he or she is equipped with all of the resources that one needs to be able to deal with very, very difficult and sensitive issues?

Ms Eng: In actual fact, the kind of training and sensitivity that has gone on throughout the force has been quite large. There's quite a lot of work that has been done, and the trainers are very much on top of things. Certainly, the senior officers that we selected as deputies have that kind of sophistication and sensitivity. We're very confident that they will pull in the resources and additional expertise that they need to get the job done.

What really needs to happen in a force our size is to coordinate all of those activities, build on the work that has been done. There has been a lot of good work that has been done. What needs to be done now is to organize it, bring it into core policing activities. That's the big switch. That's what's going to be done, and that's his primary responsibility as a senior officer on the force.

Mr Marchese: Part of the difficulty that someone like me would have, having been a trustee with the Toronto Board of Education for eight years and having lived through a great deal of concerns around race-related issues and how they should be dealt with—a number of people were concerned about the fact that principals, superintendents, even trustees were not adequately trained to understand issues of race and racist stuff.

People were saying, "You need to get people inside from the outside to give you a lot of the information that is needed in order for you to be able to do this job," and so that is a concern that we think we address by having a race relations office with people who had the experience in the field to be able to pass on these resources.

Ms Eng: There's no question that that expertise is needed, because when you're talking about basic human nature and reactions, you need some sophistication to understand it or even to recognize it in yourself and so necessarily you have to bring in experts, but I think that there is a real opportunity here for the officers to be given the opportunity address the issue.

Even for example, as I mentioned earlier, the hate crimes area, it would seem to us that we sit around here and we would be able to figure out what is a hate crime and what isn't. Sometimes it's not so obvious and it takes some sophistication. If we take the lead in addressing those issues, I think that it starts to set some values as much as any kind of training can do.

The Vice-Chair: Any further questions?

Mr Stockwell: I have one—

The Vice-Chair: No, you're finished.

Mr Rizzo: I have one.

The Vice-Chair: Mr Rizzo.

Mr Stockwell: I just want to know how much extra it'll cost—

Mr Rizzo: Contrary to what was suggested before, I don't expect the police officers to support any board chairman or member, but I do expect them to enforce our laws and regulations as approved by the representatives who are democratically elected. In view of what happened lately, do you think that maybe some police organization leaders are a little confused, at least, about who is accountable to whom, or, as was suggested by some, we witnessed an exploitation of police officers for political aspirations?

Ms Eng: I have to reflect only from the standpoint of what it did in our force. Regardless of anything that went on in the past, what you had was the direct order of a police chief. He did more than just simply reissue it; he used the internal communications process to actually appeal personally to the officers: "Look. I understand your concerns, but obey this order and we'll deal with it."

The union, the association, made a point of telling its officers not to obey the direct order of its police chief and at the same time mouthing their support for him. It made his job impossible. That kind of behaviour and that kind of encouragement was a real problem. There were many officers on the force who wanted to keep their hats on, who wanted to keep their badge numbers on. They were harassed by union monitors to ask them to put on the baseball caps. That kind of peer pressure was unbearable for some officers who wanted to take time off in order to avoid this situation, except that the situation went on for so long.

There is a lot of disruption of the internal processes, and I think this job action had a lot of harm in terms of that kind of internal discipline.

The Vice-Chair: Thank you. That completes the questioning, but I would like a clarification on an issue that was raised earlier on.

Mr Flynn, you had indicated that, as council, you go through the police budget line by line because you raise 80%. The board of education also you raise the money for as council. Do you go through their budget?

Mr Flynn: No, we're not entitled to do that by the law of this province. We must simply accept that bill and collect the funds.

But, Mr Chairman, I have a question of you, and the question arises out of the summons. While in fact I'm not about to challenge the committee's, not qualifications but rather its jurisdiction and the ability to call anyone in front of it, your standing committee is called the standing committee on government agencies—

The Vice-Chair: Agencies, boards and commissions.

Mr Flynn: —and that became a real surprise to us to determine among ourselves that we should send anybody here, because we don't consider ourselves one of your agencies.

Interjection: You're a board.

Mr Flynn: We are a board—

The Vice-Chair: Agencies, boards and commissions.

Mr Flynn: We are a board that raises its life from the act and in fact we are not an agency appointed by the government of Ontario specifically. I say "specifically."

Mr Grandmaître: We appoint your members, your provincial members. This committee appoints your members.

Mr Stockwell: You're a creature of the province, Dennis.

Mr Flynn: I'm just asking.

Mr Runciman: This is a fair question. I just wanted to point out to Mr Flynn, Ms Eng and other members of the board that I think there was something like \$48 million last year of provincial dollars that went into the operations of the Metro force, and again, as the other members point out, the majority of members are provincial appointees, order-in-council appointees. So we think we have an oversight responsibility and we will in the future be talking to others as part of this process and making a report which will deal with our views on the operations of the board and any recommendations we may have in respect to that.

The Vice-Chair: Thank you, Mr Runciman. I hope that clears up any concerns that you had.

Mr Flynn: I'm certainly happy that he brought up the amount of money provided by the government as against the taxpayers.

The Vice-Chair: I want to thank you, Ms Eng and Mr Flynn, for appearing before the committee this morning. Thank you very much.

SUBCOMMITTEE REPORT

The Vice-Chair: Committee, we have one more item of business to do and that is, the subcommittee met on Wednesday, November 25. There's a subcommittee report and we'd like a motion to adopt that report. If there are any concerns—

Mr Grandmaître: Moved.

The Vice-Chair: Carried? Carried. The committee is adjourned till next Wednesday. Next week we're dealing with Mr Strong for two hours.

The committee adjourned at 1201.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present / Membres remplaçants présents:

Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
Haeck, Christel (St Catharines-Brock ND) for Mr Wiseman
Rizzo, Tony (Oakwood ND) for Mr Frankford

Also taking part / Autres participants et participantes:

Curling, Alvin (Scarborough North/-Nord L)

Clerk pro tem / Greffier par intérim: Decker, Todd

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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ISSN 1180-4335

Legislative Assembly of Ontario

Second session, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 9 December 1992

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième session, 35^e législature

Journal des débats (Hansard)

Mercredi 9 décembre 1992

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor

Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron



Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 9 December 1992

The committee met at 1007 in room 228.

APPOINTMENTS REVIEW

Consideration of intended appointments.

MAURICE STRONG

The Chair (Mr Robert W. Runciman): We'll come to order, please. Our first and only witness this morning is Maurice Strong, who is an intended appointee as the full-time chair and chief executive officer of the Ontario Hydro board of directors. Mr Strong, would you like to come forward and take a seat? Welcome to the committee, sir.

This is a two-hour review. The way the process works, we rotate and try to divide the time evenly between the three caucus groups. Since this is a two-hour review, I want to indicate to you that if at some point you'd like a brief break from the proceedings, just indicate to me and we'll be glad to do that.

You have a brief opening statement, I understand.

Mr Maurice Strong: Thank you very much for this opportunity of meeting with the committee. I want to thank the committee for providing me with this opportunity to express some of the thoughts that I have about Ontario Hydro at this point and about the challenges and opportunities of the Ontario Hydro position for which I have been nominated.

When Premier Rae proposed that I become chairman and chief executive officer of Ontario Hydro, he certainly offered me one of the most challenging corporate posts in Canada today. From a personal point of view, I regard it as among the most demanding and exciting prospects of my own career. Some of my friends have asked me if I really have holes in my head to take on a role like this at this stage of my life. I think not. The challenge is indeed one I relish.

Ontario Hydro is one of the great institutions of this great province, indeed of Canada. It has been an indispensable part of Ontario's economic and social development for virtually all of this century. It has a proud history of reliable public service and a solid reputation for professional excellence and leadership in the electric utility industry.

It has not only an enviable record of achievement, but also the exciting potential to establish even more national and international benchmarks, to become the very model of a modern major energy utility, to enable the province of Ontario to set the standard for energy-efficient and competitive economies: a working prototype of the successful and productive union of industrial development and environmental responsibility.

Mr Chairman and members of the committee, you will notice that I am not wearing rose-coloured glasses. I have faced challenges before and I do see the positive as well as the difficult side of this challenge. In fact what I seem to see, as I look upon Ontario Hydro today as an outsider, is a kaleidoscope of trouble. I see a company with high debt, high

costs, depressed revenues and oppressive price increases. In short, I see a public corporation in crisis, certainly a crisis of public confidence.

I have no illusions about the extent and the complexity of the problems that Ontario Hydro faces, nor do I come here with a prescription for instant relief. Indeed, it would be reckless of me to pretend to understand fully all aspects of the predicament in which this vital organization now finds itself. But please allow me to make some general observations based partly on the information I have been absorbing on Hydro recently and partly on my own past experience and biases.

Ontario Hydro, as you well know, is caught in a serious financial bind, and it is Hydro's customers who are feeling the cruel pinch today. The economic recession has saddled Hydro with the most prolonged period of reduced revenues in its history. At the same time, a very high proportion of its costs are fixed, based on decisions taken in the past, notably those related to servicing a \$36-billion debt.

As if this dilemma were not bad enough in itself, Hydro over the past two years has had to bring on stream, and so into the customer rate base, the biggest block of assets in its history, mainly made up of the Darlington nuclear generating station. This fateful and debilitating combination of circumstances has resulted in rate increases over the past two years which Hydro's customers clearly find unacceptable.

So the first and highest priority, as I see it, is to rein in those costs that can be controlled. Getting Hydro's fiscal house in order is absolutely crucial, a prerequisite to moving ahead with other initiatives. We cannot achieve our economic, environmental or social goals without financial integrity. Our objective must be to enhance Ontario's ability to compete in an increasingly competitive world economy. This will require competitive electricity rates and a strong Ontario Hydro financially and professionally.

I know that Ontario Hydro has already begun some intensive efforts in this direction. Cost-cutting measures already in effect, plus deferrals of a number of capital projects, give some promise of rate relief in the years ahead. There is much more to be done and, as I said, this will be very high on my action agenda.

As big as the challenge is, I approach it with a great deal of confidence because of what I am learning about Ontario Hydro's most important resource, its people. As I begin the process of getting to know them, I am deeply impressed with their professional quality and their commitment to Hydro and its goals.

The experience they have gained over the years, in which they have made Ontario Hydro one of the finest and most respected organizations of its kind in the world, will be an invaluable asset in reshaping the Hydro of the future. The process of change the corporation is now experiencing will affect them most of all and will require their full cooperation. I look forward to working with them and with their union

representatives in effecting the changes which circumstances now dictate. Of course, we must do this in ways that respond to their needs and interests and which will ensure that Ontario Hydro will continue to provide challenging and satisfying career opportunities to Ontario's finest and most able people.

I would also like to recognize another important positive that Ontario Hydro has going for it, and that is its historical alliance with the more than 300 municipal utilities that directly service over two thirds of Ontario's electricity customers. These local utilities are a fundamental part of the province's unique public power alliance, and I look forward to working with them individually and through their collective entity, the Municipal Electric Association.

There are, as you know, some very large questions surrounding the subject of nuclear power in Ontario. Nuclear power is an important fact of life for Ontario Hydro and for the province, and we must make the best decisions we can about the system we have inherited. I support the government's moratorium on new station development because I think some of the large questions concerning the corporation's future directions in respect of nuclear, particularly on its economics, have yet to be answered.

I think it's obvious—in fact senior Hydro officials keep telling us—that Hydro's nuclear program has a great deal to do with the company's current financial difficulties. Megaprojects, which once held out so much promise of economies of scale, have shown that they also carry risks and costs commensurate with those vast scales.

There have been problems on the operating side too. Over the past few years, Ontario Hydro's nuclear performance has not met expectations, and this in turn has required enormously costly upgrading and rehabilitation programs.

When the fourth unit at Darlington starts up next year, Ontario will be dependent on nuclear power for more than 60% of its requirements. The people of Ontario have every right to question whether this is a prudent level of reliance on a technology which still is capable of surprising its designers. Aside from anything else, the sheer scope and scale of Ontario's nuclear power program and the huge demands it makes on resources may well have deprived Hydro of some of its flexibility to adapt to dramatically and rapidly changing circumstances such as those that have occurred over the past few years.

A moment ago I mentioned biases. My strongest bias at this point is the need to maintain the professional and financial integrity of Ontario Hydro to ensure that it can continue to meet Ontario's energy needs at competitive prices and on the most economically, environmentally and socially responsible basis possible.

It will not surprise you, then, that I strongly agree with the stated position of both the province and Ontario Hydro that energy conservation and demand management are the front-line options for meeting Ontario's electricity needs. I believe Hydro should continue to pursue its energy management objectives and activities, which are among the most innovative and ambitious anywhere.

Some people argue that because of the current surplus generation capacity and because demand is dampened anyway by the recession, Hydro should cancel or severely cut back its conservation programs. I could not disagree more.

Certainly there are sectors where current market forces will do the job for the time being. Fuel substitution for residential customers is an example. But Hydro should make every effort to capture opportunities that may be lost if not exploited now; for example, retrofits or new construction. Energy conservation efforts have to be concerted and consistent if they are going to have any real effect. Efficient use of electricity not only reduces polluting emissions but will improve this province's industrial competitiveness by reducing energy bills.

One initiative that I am particularly interested in is Hydro's identification and promotion of energy-efficient technologies and products and its intention to foster development of these products in Ontario. This is the kind of activity that will not only bring environmental dividends, but will also yield long-term economic benefits to the province.

On the issue of privatizing Ontario Hydro that has been the subject of public discussion, I would say only that the public power pool concept has served the people of Ontario very well over the past 86 years. There is undoubtedly at this point significant room for improvements in the effectiveness and efficiency of the system. But anyone who proposes breaking it up surely must first demonstrate that there would be compelling economic advantages, that a continued high level of reliable service and competitive rates can be assured and that all Ontarians may continue to count on equal access and equal costs.

In the meantime, I believe that Hydro should pursue vigorously the expanding opportunities I see for cooperation and for partnership for the private sector. Non-utility generation is a case in point. As you know, the corporation has already entered into arrangements in respect of a number of NUG projects. Over time, a growing proportion of its supply can no doubt be provided by such projects, which often produce additional benefits for the communities in which they are located.

At the same time, Mr Chairman, I have a strong conviction that new supply commitment, including new non-utility generation projects, should not be undertaken at the expense of the financial integrity of Ontario Hydro. This is particularly important at the present time of oversupply and financial constraint.

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Mr Chairman, Hydro's customers and the community at large rightly expect that Hydro will be operated in a business-like way. They want Hydro to be market sensitive and customer oriented and they want Hydro to be accountable, which means doing what is best for the customers and for the province as a whole, not just what is best or most convenient for the organization.

Mr Chairman and distinguished members of the committee, I am on record—I guess many records in fact—as saying the only way a modern industrial society is going to maintain economic viability is through a marriage of environment and economic development.

Because of Ontario Hydro's size and its pervasive influence on every citizen and virtually every activity in this province, I believe it has the potential to become a model to the world—a model of efficiency and a model of environmental responsibility. In my view, the two are not merely compatible; they are mutually reinforcing.

Mr Chairman, I look very much forward to the opportunity of helping to make that potential a reality and I welcome the opportunity to receive the guidance and the questions and hear the concerns of this committee. Thank you.

The Chair: Thank you, Mr Strong. I'm going to suggest that, as this is a two-hour review, we use 20-minute rotations per caucus so that each caucus will get two 20-minute opportunities. Just for those members who are new to this committee or substituting this committee, we do operate under some tough time constraints. Unlike other committees where you may have free rein, I'm going to—I have to, I'm obligated to—try to keep you within those 20-minute opportunities.

The review was the selection of the official opposition, so I go to Mr McGuinty to begin the questioning.

Mr Dalton McGuinty (Ottawa South): Thank you, Mr Chair. Let me begin by just indicating, Mr Strong, you're probably very much aware of this, but I think it's important to confirm it for others present that your appointment is in no real jeopardy here today. This is not the equivalent—I've sometimes referred to this as a confirmation hearing—by any means of an American Senate confirmation. The government members have never, in the history of this committee, in terms of our dealings with these kinds of matters, voted against an appointment that had been made by the Premier. Given that, I hope that we'll be able to engage in a full and frank discussion here today.

First of all, let me put it this way: Mr Eliesen, your predecessor, found at times that he himself became an issue rather than a part of the solution to addressing some of Hydro's issues, and at the outset, one of the issues he had to contend with was that of his salary. I understand, Mr Strong, you'll be earning \$425,000 a year. Is that correct?

Mr Strong: That's what I understand.

Mr McGuinty: All right. And you have a five-year contract?

Mr Strong: That's correct.

Mr McGuinty: I want to know how you can justify that, and a good number of people across the province are asking the same question. In fact, we have a letter which was submitted together with our committee materials today from a Ms Jeanette deLevie, who raises the same kind of concerns. It's a copy of a letter to the Premier, and before you answer that question, I want to set the context here.

First of all, Hydro is in desperate financial straits. Mr Eliesen, your predecessor, took a pay cut from \$400,000 to \$260,000. Your counterpart with Hydro Quebec is earning \$220,000. Hydro rates are going up 30% over three years. Hydro has a debt of some \$36 billion. How can you justify a salary of \$425,000 a year?

Mr Strong: Mr McGuinty, I did not set the salary; I accepted it. In doing so, I accepted a salary which was considerably less than I had every expectation of meeting in the private sector. If this were a charity or if there were some strong case for salaries that did not meet normal business standards, I would certainly have considered that. My understanding is that the rate was set after consideration of a review of comparable salaries by the Ontario Energy Board, which indicated that under normal business standards, the

salary range of this job would have been some \$800,000 to \$1,200,000 a year.

I understand also that before Mr Eliesen, when perhaps the affairs of the corporation were a little simpler, not quite so troubled, that the salary was at least \$100,000 in excess of what has been set for my salary. I did not set the salary; however, I did not feel that, if I was expected to run a businesslike operation, I should subject myself to a means test on the salary. If there was a good case for doing that, then I would.

I've served pro bono in many other situations, but in this situation it seems we need to send strong signals to the business and financial community that this organization is going to be run in a businesslike way. I believe that means establishing salary levels that meet businesslike standards.

Mr McGuinty: Right. Now you raised the issue of the equivalence in the private sector. Let me tell you about some of the things that are happening in the private sector.

First of all, executives are now regularly declining bonuses. Some are taking cuts in pay. I even heard of a Japanese executive who has declined to take any pay, in light of the fact that the corporation had lost money that year.

So I again raise the issue—and I'm not sure if it's going to go away, because the people on the street who are feeling the very real pain of this recession have a great deal of difficulty understanding how—and this is not a private sector job; you're almost a civil servant.

Let me just quote to you from Ms Jeanette deLevie here, who says,

“Dear Mr Premier:

“This letter is to express my concern regarding the appointment of Mr Maurice Strong as Ontario Hydro's new chairman and the accompanying salary of \$425,000 annually plus benefits.

“Mr Eliesen was initially awarded a similar salary when he was appointed chairman of Ontario Hydro. However, after much criticism, he took a pay cut to \$260,000.... Mr Eliesen then left Ontario for a job with BC Hydro at \$195,000 per year. If Mr Eliesen could settle for \$195,000 then perhaps the salary for the chairman of Ontario Hydro should be viewed as perhaps not worth more than what BC Hydro needs to pay. The cost of living in BC is at least equal to the cost of living in Ontario.”

How do you respond with respect to that?

Mr Strong: I understand that when you're talking about levels of salary like this, it is difficult for people. I came up the hard way myself, and I understand those reactions. I think it's a matter of principle. I could afford to take a lower salary but I do not believe, and I've had some experience now with public corporations, that if you are seeking to establish a businesslike model of management, the salary of the chair should be subject to a means test.

I am already taking a very considerable reduction—now that's voluntary; I'm very happy to do it—from what I would otherwise have been making. But the numbers seem high. They are much less than those of baseball players and others. This company is a corporation and is in a state of crisis and difficulty. The job has perhaps never been more challenging than it is now. I understand that previous governments rated

the chairman's job, or at least acquiesced in the rating of the chairman's job, at considerably higher figures than are now applied to it.

Mr McGuinty: Have you negotiated at all the terms of your contract now?

Mr Strong: Yes.

Mr McGuinty: Has your pension entitlement become part of that contract as well?

Mr Strong: Yes.

Mr McGuinty: All right. What is it you're getting in terms of pension?

Mr Strong: I am entitled to the normal pension benefits that any employee at my level of Ontario Hydro receives. There's no special pension package.

Mr McGuinty: All right.

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Mr Strong: There is one. I qualify only in the sense that I am entitled to have credit for the two and a half years of service I've recently had in the UN. That is a normal arrangement.

Mr McGuinty: All right. What does that mean, then, in terms of dollars on an annual basis at the end of your five-year term?

Mr Strong: I actually haven't figured that out, but I believe it's 2% per year of service.

Mr McGuinty: So you serve five years and get 10% of your original—

Mr Strong: That's my understanding, yes.

Mr McGuinty: All right. There was a rumour floating around that you were going to get 70% after five years. That's untrue. Is that correct?

Mr Strong: Not true.

Mr McGuinty: Okay. There's also another rumour saying that you were only prepared to work three weeks out of four. Any truth to that?

Mr Strong: None whatsoever.

Mr McGuinty: All right. I want to ask you about your sense of commitment. I do that in light of the recent history of Ontario Hydro. You see, I got this job two years ago, and since then we've had three ministers. You will be the third chairman of Ontario Hydro. We're looking for our third president. The last chairman said that he'd sign on for five years and he left after 16 months. You know the expression, "Once bitten, twice shy"? We've been bitten several times, so we're very, very shy. We're sceptical, maybe even suspicious.

Now your people have met Hydro's people, and they've worked out something in writing, and everybody signed things in the appropriate places in terms of the contract. Are you prepared to publicly commit that come hell or high water, you're on for the five years?

Mr Strong: I made that commitment; I'm happy to confirm it. I have to add the qualification that the Arabs always add to any statement, inshallah—God willing.

Mr McGuinty: God willing. Now something somewhat related to that: You're going to have to engage in some trench warfare here now. You've just been a real high flyer. You

have, as a result of your recent summit and prior experiences, mixed it up with statesmen from around the globe and the business élite. You have travelled about, and now this job, to my way of thinking, is going to require that you spend all of your time dealing with the pressing problems which are threatening our very economic life in this province. How do we reconcile that? What can you tell us that will make us believe that this transition, a very distinct and marked transition, is something that is natural and that you intend to follow through on?

Mr Strong: Mr McGuinty, I of course can't speak to what has happened in respect of previous chairpersons and presidents. I do understand very much, however, that that would give you a proper concern in this respect. I would, however, remind you that my career has included significant domestic as well as international commitments. When my commitments were international, my life was international. That was part of my job. Incidentally, I'm sure you won't be surprised to know there's lots of trench warfare in the kind of work I've been doing internationally too, so I'm not unaccustomed to that.

I took this job in large part because it is domestic. I made a conscious decision at this state in my life to return to my own country. I could have had a very nice life outside of Canada. I chose to come back here because I am a Canadian, my family's here, my roots are here, and I believe that what remains of my working life should be committed to my own country.

I don't believe my international associations are likely to be a disadvantage to this province in that respect; I hope they will be turned to an advantage. But my job is here, my commitment will be here, and I hope I will demonstrate that to your satisfaction as we move along.

Mr McGuinty: Why is it you turned the job down three times?

Mr Strong: I didn't exactly turn it down. It was a surprise to me. I had already made my arrangements for my return to private life. Initially, I just didn't see how I could extricate myself from those arrangements. So I indicated that while it was a challenge that I certainly took seriously, they shouldn't consider that I could necessarily be available for it; they should go on with their search.

Over the several weeks that followed, I gave similar signals saying that the more I think of it, the more I am interested. If I'm coming back to Canada, why not take on a challenge that is one of the most important facing our economy? I was able to make arrangements with those to whom I had made commitments to extricate myself from those commitments over time and finally was in a position to accept the post.

Mr McGuinty: Let me talk to you now about the rates. They are close to the highest in the country, and they've gone up 30% over three years. Our large power users are becoming uncompetitive as a result. Falconbridge, for instance, has a hydro bill annually of \$90 million. It simply cannot pass along those costs in an international market.

The other day in this House I filed a petition signed by 10,000 home owners. These were people who were not motivated because a transmission line was going to be located in

their backyard or a nuclear generating station was going to be located nearby; they were motivated simply by rates. What are you going to do to bring the rates down?

Mr Strong: As I'm sure the honourable member knows well, rates are largely a product of past decisions. The major element in the recent increases in rates has been the bringing on stream into the rate base of the very substantial capital expenditures that have been made recently, principally Darlington; not only Darlington, but principally Darlington. They are also, to the extent of about 25%, the product of management and maintenance costs of operating.

The controllable element at this stage is the reduction of costs. The corporation has made some very important initial efforts in this direction. I expect to re-examine the situation to determine where further cost reductions can be made, but I don't want to suggest that I can perform any miracles in respect to rates.

I do share your concern. I would be personally outraged and very unhappy if I were on the other side of this rate structure and were experiencing, at this time of economic difficulty and austerity, this kind of increase in rates. But unfortunately it's built into the system; decisions have to be made well in advance on the basis of projected need for supply. They were made in good faith by Hydro and by governments that previously made those decisions, and the net result is that the cost related to these decisions has accrued at a very untimely moment for Ontario residents and consumers. I share that concern.

As I see the task of Ontario Hydro, it is to ensure that this province becomes the most energy-competitive place in the world. That may sound like a lofty aspiration, but we live in a world economy, and I think we have to do that. So I can assure you that we will make a commitment to doing everything possible to levelling those rates out and trying to ensure that we do not move into an uncompetitive situation. I've given you a rather long answer to that, which is no answer at all except that I share your concern and I regard this as one of my primary tasks and commitments.

Mr McGuinty: There are a couple of things arising out of that, but let me focus on the reference you made earlier, I guess as a kind of adjunct, to your support for Ontario Hydro's conservation programs. In its last two rate hearings, the Ontario Energy Board has severely criticized Hydro for proceeding with expenditures which have not been cost-effective. At the last rate hearing, evidence was filed which showed that over the next four years the net cost of proceeding with the conservation programs that are presently in place will be \$1.9 billion. After taking into consideration the savings, there's still going to be a cost of \$1.9 billion.

We had a lightbulb giveaway program in this province which achieved a great deal of notoriety. That cost us \$7 million. We saved \$4 million in electricity: net cost, \$3 million. That \$3 million and the additional \$1.9 billion all have to be absorbed in our rates. I understand your support for conservation programs, but at what cost?

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Mr Strong: Mr McGuinty, I do believe that conservation programs, like other aspects of the corporation's activities, need to be subject to close cost-effective tests. I am committed

to energy conservation, I am committed to energy management; I'm not necessarily committed to all the methods by which these programs have been carried out. I want to review the ways in which we are carrying them out in relation to our current circumstances.

I also believe that the current conditions should not be the reason for making very major changes in programs that essentially have to be carried out on a long-term basis, but I do believe they must be subjected to tests of cost-effectiveness and I will be examining them from that point of view.

Mr McGuinty: Speaking of costs, another issue that arises is that the OEB has criticized Hydro for overpaying its employees.

The Chair: Make this a quick question.

Mr McGuinty: Yes. There are some 29,000-plus employees earning on average, benefits included, close to \$68,000. I have two questions for you. First, what do you intend to do about that in order to bring it in line with the equivalent in the private sector? Second, in the design and construction section of Ontario Hydro there are 4,700 plus people working there. We're not constructing anything. What are those people doing?

Mr Strong: On the first question, I am aware that the general level of salaries and total remuneration for a large percentage of Ontario Hydro's employees is a little higher than the average in the province. I would point out, however, that the level of professional qualifications required for most is higher than the average in most industries because of the nature of our business. It is also true that these rates are largely the subject of negotiation with the employee unions representing a large percentage of Ontario Hydro's employees. So there are limits to what can be done in this respect.

The Chair: Mr Strong, I'm afraid I'm going to have to jump in here. Perhaps you'll have an opportunity to elaborate on that later.

Mr Leo Jordan (Lanark-Renfrew): Thank you, Mr Strong, for taking time to come before this committee and giving us an opportunity to hear your outstanding qualifications but, more importantly, to find the qualifications that are most relative to the job you're taking on here.

On October 29, when the Premier announced your appointment, at that time you indicated you were on the outer ring of a learning curve, I believe, or something to that effect. That created some concern across the province in that we're going to pay \$425,000 in salary for somebody coming in on the outer ring of a learning curve. How would you like to respond to the reaction of the people on that?

Mr Strong: Mr Jordan, there are two kinds of learning curves. There's a kind of fundamental learning curve in which you learn about business and about the energy business. I've been on that learning curve for many years.

I started out my life as an energy analyst, then went to an oil and gas company and then I was chief executive of the Power Corp of Canada at a time when it was the largest public utility holding company in the country, owning what is now Hydro-Québec, the main elements of Shawinigan Water and Power, British Columbia Power. That was at an early stage of my career.

I have since been active in many other utilities, natural gas utilities, water utilities, and I've been very active in the energy business throughout my life. In fact even in my UN responsibilities energy has been one of the primary factors and I was on an energy strategy group with people like the chairman of Shell and the heads of some of the major energy organizations in the world. So I have been on a long learning curve in terms of utilities and energy.

But when you come to a specific organization, obviously you need to know the specifics of that organization, and Ontario Hydro is a large and complex organization. When I mentioned the learning curve, I didn't mean I was learning the business, although of course I've still got lots to learn about the business; I meant I was learning about Ontario Hydro and its specifics.

Mr Jordan: Thank you. Having done that now and had an opportunity to have an overview of the problems at Ontario Hydro, and taking into consideration your experience with these other major corporations, do you have a plan you can relate to where you've solved similar types of corporate problems in the past and would like to have the opportunity to implement that plan at Ontario Hydro?

Mr Strong: I don't think, Mr Jordan, that any plan I have implemented in the past could be applied in a cookie-cutter fashion to an organization like Ontario Hydro. Obviously, I would think some of the things we've learned from the past—I have had experience in both sides of privatization. I was, as I mentioned, the head of Power Corp at the time when power corporations were taken over by provincial governments. That was a kind of deprivatization, and I have been involved on the other side.

I think my experience in many respects is relevant, but no situations are identical with each other and I do not come into Hydro with some preconceived plan. I have some general principles that motivate me; some of them I have mentioned in my introductory remarks. Particularly, I am concerned with the need to restore confidence in the financial integrity of the corporation. This, in my view, is an a priori requirement.

Mr Jordan: What about your board of directors? I'm sure all chairmen and chief executive officers want to surround themselves with the best they can get in qualified board of directors. Have you had a look at the board at all and the vacancies there? Do you have any opinion to give us on that?

Mr Strong: I obviously have looked at the board. I have only met very superficially on a social occasion with the board at a luncheon following the board meeting, so I know them more by reputation and I think there are some very fine people on the board.

There are, as you say, some vacancies and I hope that in filling those vacancies the government would want to have a substantially greater representation on the board of business experience and perhaps of some of the other elements, the local utility area, the municipal utilities. There is experience in a number of areas that perhaps could be better represented on the board, but the decisions on board representation are, of course, made by the government.

Mr Jordan: That's correct. So it's sort of out of your control then.

Mr Strong: Yes. I very much hope we would have an opportunity to make suggestions from time to time, but the decisions are made by the government. My impression in my discussions is that there is a recognition on the part of government of the need, in enlarging the board, to have greater representation of the business community and some of the other elements that are important to the life of Hydro.

Mr Jordan: In your past experience in the corporate field, have you ever been part of a corporation that had such a direct arm to the government as we now have under Bill 118? You'll actually get directives sent to you, asking you to carry them out in a limited amount of time. How are you going to run a corporation under that pressure?

Mr Strong: Well, Mr Chairman, I have run two major corporations that were subject to similar directive powers at the federal level. The first was Petro-Canada. I was the first chairman, president, chief executive officer of Petro-Canada. I put it together, recruited the staff etc. We operated under directive powers. Then, when I was given the similar task to establish Canada Development Investment Corp as the federal holding company for most of the major crown corporations of the federal government, a very large corporation in itself, we were also subject to directive powers.

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However, my practice in those cases was to consult closely with the government. Statutes, of course, gave us a mandate that required that we operate independently, in a day-by-day operating sense, from the government, but in my understanding we did not receive a directive in either of those cases from our government but it was always there to be used.

I would hope that in the case of Ontario Hydro it would not be necessary to use the directive power too much. It's there and it's up to the government, of course, to decide when and how it will be used, but I would hope that we would conduct the affairs of the corporation in such a way that that directive power would not have to be used too frequently.

Mr Jordan: I'm concerned, Mr Strong, about a strong corporate leader such as yourself getting in sort of a conflict with directive power of the government. Are you then going to just say, "Well, I'm sorry, this position is not suitable to my mode of operation and I too will have to—"? Do you see that possibility if a directive is against your principles and against your majority of your board?

Mr Strong: Mr Jordan, I don't want to foresee that kind of a problem. I guess in theory it could occur. I have to say that I've never yet been in an open conflict position with any government I have served. I've had very tough, difficult issues to deal with and I've always been able to deal with them inside the government. I guess I've made my political masters nervous on occasion but I don't think I've ever embarrassed them and I certainly don't go into this job with any intention of doing so.

My normal mode is to try and work things out, but there are certain basic principles for which the corporation must stand, and at this stage I put the financial and professional integrity of the corporation at the very top of the list. If there are serious offences against those, of course the government, as the shareholder, is entitled to take positions that I might see

might offend against that. But I think we would have a corporate obligation to take a strong position on any such issues. I would hope they would not arise.

Mr Jordan: Do you realize the members of the board are not responsible for their actions as per Bill 118?

Mr Strong: I do understand that. I'm not sure I understand the full legal implications of that.

Mr Jordan: It does relieve them of their responsibility, so they can become a direct arm of the government and just carry out the function.

Mr Strong: I do see that. There are real dangers in a directive power if it is used too frequently or in a way which compromises the ability of the corporation to manage itself. It would simply transfer the management over to the government offices, which I don't think anybody wants, including the government, as I understand it. However, the government is the custodian of the public interests in the province and not Ontario Hydro, and therefore when there is an important matter of public interest, I think at least in principle I believe that the directive power is something it should have.

Mr Jordan: But, you see, previous governments recognized that, as Ontario Hydro grew in size and became a more complicated corporation due to the different types of development relative to the supply of energy, they saw it was time that this must be run as a corporation, as a business at arm's length, not as a commission of the government. With this directive power, in all fairness, Mr Strong, we are back now, you might say, as a commission of the government, not as a corporation per se operated by the chairman and the board of directors.

Mr Strong: Well, Mr Jordan, I can understand that concern. I have, as I've said, served in crown corporations subject to directive power, and in principle I am not against directive power as a matter of principle. After all, the owners should have the ultimate say.

But I think it's the manner in which that directive power is used that might create the conditions that you're concerned with rather than the existence of that directive power. I think we'll just have to see. As I say, I've worked under those conditions before and have always been able to work out my problems and I very much hope I do that here. I don't have any sense in my discussions with representatives of the government that they intend to use the directive power to actually manage Ontario Hydro. I don't see any sense of that and I hope that is not the case.

Mr Jordan: It's our opinion that it has been in the past, even to the extent of removing a president. On that point, I would like to ask you, do you have anything to offer on who you would like to see fill that position?

Mr Strong: Obviously, that is one of the most important decisions that must soon be made. It'll be made by the board and I of course would expect to have a significant input into that decision.

Mr Jordan: Would you wait until the board has its full complement?

Mr Strong: No, I don't think so. I have informally, obviously, been giving a lot of thought to that issue now and, if I do go into this role, certainly that'll be a high priority.

We have a very good acting president, Mr Kupcis, for whom I am developing a very high regard, but I think that both he and I, and the other board members I've talked to informally, realize that we should go through an objective search process and that we've got a good basis for that in the search process that the government undertook for the job that I'm now being nominated for.

Mr Jordan: There's no consideration of your attempting to do both jobs?

Mr Strong: No. I have done that on occasion. I don't believe in it in principle. It may be sometimes done as a very temporary transitional thing, but in principle I do not believe both those jobs should be held by the same person.

Mr Jordan: Are you familiar with the Tennessee Valley Authority?

Mr Strong: Somewhat, yes. I have known some of their key people.

Mr Jordan: Are you aware of the problems that they had faced and Mr Runyon's solution to them?

Mr Strong: I'm not sure I know the particulars of the solution. It's a little bit in the past for me, but I do recall the kind of problems they had.

Mr Jordan: Do you know Mr Marvin Runyon?

Mr Strong: I've just met him. I don't really know him, no.

Mr Jordan: It is a known fact that he did reduce staff there from 37,000 to approximately 20,000.

Mr Strong: That's right.

Mr Jordan: And he did freeze the rates.

Mr Strong: Yes. They do operate under somewhat different legislative conditions than Ontario Hydro does, and I certainly don't pose as an expert on the act at this stage. But there is a best principle of providing service at cost and that does rule out government subsidies, at least under current conditions, whereas the Tennessee hydro budget was done in a somewhat different way in which there were inherent government subsidies incorporated in the budget. If I understand it correctly, they could make decisions as long as the government agreed to the budgets which represented a subsidy into the system. That possibility isn't available to Ontario Hydro, to my knowledge.

Mr Jordan: I think the important thing with that downsizing was that he was able to do it without causing hardship, if you will, to employees. At Ontario Hydro, I'm sure the morale must be very low at this time due to the uncertainties there.

Mr Strong: Yes.

Mr Jordan: We can't just keep pointing at Darlington as the cause. The people aren't buying that any more because half of that cause was a political decision anyhow to delay the project, as you're well aware. Then when they had to retender and start up again, of course there were penalties and there were new prices and everything added up to approximately, I understand, between \$4 billion and \$6 billion extra cost, just because of the delay. So to keep pointing at Darlington and the nuclear projects as the problem with the utility kind of

scares me a bit, because if that's the only thing that you're seeing there to solve, what about the OM&A budget?

Mr Strong: Mr Jordan, as I tried to bring out in my remarks, previous capital expenditures, including Darlington, and it's just a matter of fact, have created the high debt load which is a primary basis for—not the only basis—the rate increases we've experienced. About 25%, however, as you said and as I indicated in my remarks, is attributable to management and administration and operating expenses, and it is in that area where I will certainly be examining every possibility for reduction. But we cannot, at least the corporation cannot, do anything about the existing debt load it carries, whatever were the reasons why that occurred. I'm not going into those reasons; I have to deal with the current situation, which is that the debt is there and has to be serviced.

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Mr Jordan: That brings us to the reducing of the OM&A budget. The association of major power users has suggested not \$115 million but \$692 million. Do you see that as a reasonable assessment by the association?

Mr Strong: I have to say honestly, Mr Jordan, I don't know at this point. This is something I have started to look at very carefully, but I cannot say that I've absorbed all the information one would need to take a position on that. But it is one of the primaries to which I would have to address myself.

Mr Jordan: You had spoken earlier about the training and the technical abilities required by the employees—a lot of professional employees, engineers and so on, and technical people—and in that way you could substantiate the average salary quoted of \$68,000. Would you consider having Ontario Hydro made an essential service so that they're not facing strikes and labour disruption?

Mr Strong: I see that there is a case for that. I do not know where I would come down on that case. I will need to become much more familiar with the dynamics of that situation before I take a position on it, but it's a key issue.

Though I am impressed with the quality of our employees, you mentioned yourself, and I'm concerned with this, that morale is a problem, and I think we need to make sure that whatever difficulties we're experiencing now—and as I mentioned in my remarks, these difficulties impact most on those who have committed their careers to and depend for their livelihoods on this corporation. So we're going through tough times and many of the impacts are going to fall on them.

In the course of this we have to make very sure that we preserve Ontario Hydro as one of the finest places to work for career people, because we're not only managing through today's problems, we're establishing the basis for the future Ontario Hydro, and this place has got to continue to be able to attract and to hold and to energize and include some of the finest people in the province.

We need them, and we cannot, in dealing with our current problems, it seems to me—I feel strongly about this—we must not undermine the attractiveness of Hydro as a long-term place for people making their careers in the energy business.

The Chair: We'll have to move on now. We have Mrs Carter and then Mr Huget.

Ms Jenny Carter (Peterborough): Would you want to go first?

Mr Bob Huget (Sarnia): The other way around, I think, if that's acceptable.

The Chair: You want to go first? Go ahead.

Mr Huget: First of all, welcome to the committee, Mr Strong. I hope you won't find us to be too unpleasant a chore to be up to this morning. I'm looking at your résumé that's here with the committee in some detail, and I have to say that I'm very much impressed with the list of lifetime accomplishments, really, in a number of major areas that involve power, among other things. It's a very impressive list.

Mr McGuinty and, I believe, Mr Jordan referred to the executive salary issue and I think it's important for you to understand just exactly what is taking place here. We have the official opposition party and the third party, both of whom in this province have had a kick at the can in terms of trying to manage Hydro, and I think the issue of salary and the question of executive salary and the chair's salary is being more directed at the government of the day, Mr Strong. In other words, we are the ones who are paying the salary.

I can't recall hearing the same sort of criticisms from either the opposition or the third party when they had their kick at the can paying the executive salaries. In fact, if memory serves me right, they were higher. As well, I think it's important to note that our government has initiated a review of executive salaries to make sure the compensation packages make sense.

Recognizing that this is a very large corporation—and you would know better than I in terms of comparative size, both private corporations and public corporations—it's probably safe to say that it's an organization whose direction probably can't be set by volunteers. I would suggest it likely needs a very competent, strong management team and a very strong chairman and chief executive officer.

I guess what I'm interested in is this. For the \$425,000, what has Mr Strong got to offer in terms of qualifications for the direction and operation of this very big corporation? What qualifications do you bring in order to justify that kind of compensation package, first of all, and secondly, how do you see those qualifications leading the organization?

Mr Strong: I don't really want to recite my qualifications. I think only time will tell whether the government was correct or not correct in deciding that my qualifications might be applicable to this job. As this curriculum vitae, which I think has been circulated, indicates, the largest portion of my working career has been in the energy or energy-related fields. Even my environmental activities in the United Nations have been directly energy-related.

But I am not the one to judge whether those qualifications are ideal for the post for which I've been nominated. The government obviously made that judgement. In responding, I had to decide myself that I was up to it. I believe I will be, but only time will tell. I'm certainly fully committed to it. I've had a lot of roles in my life. I don't believe I have disappointed any of those that I've served in the past, and I certainly will

work hard to ensure that I do not disappoint those I work for now.

On the level of my salary, I repeat: I responded to a level that was set, which I feel is an appropriate level. It does represent a significant reduction from what a private sector corporation would be paying, and therefore there is an element of public service in it. It also represents a significant reduction over something that I would have been receiving in the private sector. That's not a complaint. I took the job willingly and happily.

I did consider whether I should do it pro bono and decided that this would not send the right signal at a time when we do have to attract people and we do have to demonstrate that this corporation is going to be run on a businesslike basis.

Mr Huget: In your past experiences, can you highlight some of the qualifications that you would bring now in facing problems of the magnitude that we're looking at in terms of Ontario Hydro? Have you had other encounters in terms of trying to deal with very problematic situations that would be of the magnitude of Hydro's?

Mr Strong: I guess I've been dealing with problems all my life. The last major corporation that I headed was in my chairmanship of the Canada Development Investment Corp, which was about seven years ago.

Since then, in my international life, I think probably one of the greatest management challenges I ever faced was that I spent two years organizing the relief efforts in Africa. That may not sound like a management job, but that involved mobilizing \$4 billion worth of funding, mobilizing port facilities and transport facilities, logistics for bringing in a variety of supplies into a small number of port areas and airports, and refurbishing, on short notice, road systems and railway systems. Thirty million people were at risk in that operation. Most of them survived. That was like running a war, in effect. I was the person responsible for organizing that operation.

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I don't think Ontario Hydro's problems could be any more complex, could be any more demanding of leadership and management skills, than that job was.

The job I have just left was of course of a different nature in a sense, but it's still a public service job, managing the largest summit conference in history. I don't want to pronounce judgement on whether I did it well or not, but the job itself was one of the most important, I think, management challenges anyone could face. Indeed, I hate to be self-serving, but just in response to your question, I was recently elected businessman of the year in the United States because of this. At least some people thought it was a fairly businesslike operation.

Mr Huget: There's certainly no need for you to apologize for anything in terms of what you've done over your lifetime, recent and not so recent, because I don't think that's at issue here at all.

Mr Jordan refers to Bill 118, which is the Power Corporation Act, and also implies that—I guess Mr Jordan's view of the bill would be that there is a direct hand from the Premier's office that extends with an elbow joint across University Avenue and into the chair. No one else sees it that way. It's

probably just Mr Jordan's imagination, but he has an active imagination.

You alluded to Petrocan. I think that's an important comparison because it's probably similar in terms of having policy directives from, in this case, the federal government.

I would like to find out from you your comfort level working under that kind of arrangement, first of all. Secondly, is there anything inherently wrong with a corporation owned by the province of Ontario suggesting it may have some policy directives like energy management or conservation, and then leaving that task to the hands-on management of yourself, the board of directors and the corporation? Is there anything wrong with that arrangement?

Mr Strong: Mr Huget, as I say, I have lived with this arrangement. Of course, there are often difficulties between a corporation and its shareholder, especially if the shareholder is the government, but I am not unaccustomed to dealing with them. Sometimes they're very, very tough, but the principle of directive power I have no problem with.

I would have problems, I have to say, if that directive power were used to provide a kind of surrogate management for the corporation and, therefore, relieve the corporation of a kind of proper system of accountability for its actions. There will be occasions in the broad policy sense that it would be perfectly appropriate to use that directive power. It isn't the principle of it that bothers me at all; indeed, even the practice of it doesn't necessarily bother me. But it is in the practice of it, rather than the principle of it, that I would think any difficulties might arise.

Mr Huget: If I were to ask you—and there's a very important issue that I think everybody in this room is concerned about, partisanship aside: the cost situation, the rate situation in the province, whether that's an industrial consumer, just a general public consumer or anybody. Everybody's concerned about rates. Everybody's concerned about the cost part of the equation of Hydro's rates.

Recognizing that you're not there and you're not in charge of the operations yet, what I'd like from you is some kind of sense about how you would go about bringing some of those costs under control. There is a general consensus out there, rightly or wrongly, that Hydro's costs are out of control. I'd just like some sense from you what you think you can do to bring those costs in line.

Mr Strong: Mr Huget, clearly the area in which costs would be subject to control is that 25% that represents the operations and management costs. Within that, there also will be some limitations as to what you can do. You can't really take a meat axe to an organization like this; we're not a simple grocery or industrial business. We are managing for today. We are also trying to ensure the integrity of the organization to serve the needs of the province in the future.

But I would take it as one of my most important priorities and one of my most important tests to try to reduce those expenditures to the point where they can have some further impact on rates. I do not know at this stage the potential for doing that, but I'm sure, from what I've seen, there is some further potential.

Mr Huget: How important a mission do you think that is in terms of trying to rebuild or regain the industrial confidence

in terms of hydro in this province? Where is it on the priority list? If you were to have one, where would it be?

Mr Strong: Well, there's no question that the need to reassure those industries that are suffering particularly from the current rate increases, coming as they do at a particularly bad time for most industrial customers, is a concern. I've started the process of informal consultations with some of the larger customers and will continue this. I want to hear their point of view.

It's very important in a new role like this to be a listener for a while. I haven't a long time to listen, but I've started that process of listening, and I've been getting some very important inputs. There's no question that some of our larger industrial customers are very acutely worried and suffering under this, as some residential customers are. I'm not sure what the answer is, but I certainly intend to give a lot of attention to that issue, and I hope there will be some answers.

Mr Huget: Thank you. I was going to ask you about your pension, but probably Mr Jordan could tell you more about your pension than you could tell me. He's the pension expert when it comes to Ontario Hydro. I think he's receiving one, so you might want to ask him some questions. I'll defer to Mrs Carter.

Mr Jordan: All I can say on it is that you have to earn it.

Ms Carter: First of all, Mr Strong, I'd like to congratulate you on getting the job, or consenting to take it, on your thoughtful and well-balanced presentation and on being as well qualified as anybody could be for this impossible job. I'd also like to commiserate with you for coming in on it at a very challenging time.

Yesterday morning I went to a breakfast that was put on by an industry. They were complaining about rising power rates, which are going to make competition more difficult and so on. They also wanted to bring in cogeneration and do something very energy-efficient, which I think most of us would agree was a good thing. But they were blaming the government for the rising rates, and yet those people belong to a group, the Association of Major Power Consumers in Ontario, which in fact has pushed for more generating capacity over the years and in particular for Darlington.

I think we really have to face up to the part that Darlington has played. I know it's a done deal now, but we can't just turn around and say, "Well, it's bad, so we won't take the messages from this." I believe Darlington is 78% of the reason for rate increases and I think about 39% of Hydro's revenue goes to interest payment on debts. Darlington costs more than it earns. I believe even if it was bringing in \$1 million a day, the interest on the debt for it would still be considerably greater than that.

I guess my question really is, how are we going to pay for Darlington? We're now at a kind of juncture where money is short, obviously. We can't do everything. We need to look at going in for different kinds of energy, conservation, renewable energy, because after all, even if we do spend billions of dollars on keeping it up, nuclear is not going to last for ever. In fact, it's not going to really last for very long. So if we spend our money on refurbishing Bruce and that kind of thing, and we let some of these other opportunities go, we're not preparing ourselves for the future, and that money's not

going to be well spent. So how are we going to pay for Darlington? How are we going to pay for transition to a non-nuclear future?

Mr Strong: Well, Mrs Carter, I appreciate your remarks. I don't have any miracle answers for that. I can only say that we have to pay through our rate structure for servicing all of the debt that has been incurred in the past, not only for Darlington but for the whole panoply of capital investments that the corporation has made over the years which have resulted in an accumulated debt of some \$36 billion.

I don't see the holders of that debt likely to want to give us any breaks on it, and the moment we were to suggest that, our costs of money and our credit would go out the window. So there's no question of that. We have to service the debts we've incurred, whatever we may think of the decisions that created those debts.

Ms Carter: Absolutely.

Mr Strong: That's part of it.

Now in terms of the future we have more options. I would regard it as another very important priority to ensure that we select a range of options for future supply that will give our customers, those who are here and those who may be considering locating in Ontario, the ironclad assurance that we're going to continue to have the reliable sources of supply and the high standards of service that we've had in the past and at competitive rates. That's not easy, but although we call Hydro "Hydro" after its original source of supply, obviously we have a broad mix of sources of supply, and that mix is changing and will change over time.

I am one who believes that we're entering a period in which we need a more versatile and flexible range of sources. The corporation has already moved into that area. I think there are some sources that need examination that may not be economic now, may not be economic for a while but nevertheless do have a real potential.

People used to laugh at windmills, for example. There are now commercial wind farms in some areas.

Ms Carter: Certainly, yes.

Mr Strong: Well, we've got a lot of wind in Ontario and we've got a lot of places for windmill farms. I don't see that as an immediate answer, but I do see that that technology is something we've got to be close to.

We've also have among the largest peat reserves in the world in Ontario. In fact I understand, if I read the figures correctly, that Ontario's peat reserves are more than equivalent in energy content to all of Alberta's oil reserves. Now there are problems in developing peat or it would have been developed to date. But a number of countries are making electricity out of peat in a very commercial way, Finland for example.

I'm not tied to any of these, but I am saying that we must have, in my view, a broader range of supply options, options also that can be moved up and down in the movement of supply and demand more readily. One of the problems with the very large megaprojects is that when they're there, the costs are fixed, and they face you day by day, whereas a more flexible mix does give you better opportunities to respond to changes in your supply and demand pattern. Some of them can be brought on stream faster.

The Chair: Thank you, Mr Strong. I'm going to have to stop at that point. I'm going to declare a five-minute recess, and then we'll start the second rotation.

The committee recessed at 1123 and resumed at 1132.

The Chair: I wonder if we could get back to business again. If everyone could resume their seats, please. If there are any absolutely necessary conversations that must continue, could you do it out in the hall, please. We'll start the final rotation, again 20 minutes. We begin with Mr McGuinty.

Mr McGuinty: Mr Strong, I wanted to get your views on privatization and have you expand a bit more. I read some press clippings recently that said that you certainly considered it an option. It was something that you were not prepared to rule out. In reply to that, the minister has indicated that it is not a viable option. That's understandable because it's a matter of ideology, something which I don't think we have the luxury to afford at this particular stage.

As a matter of ideology, privatization is seen as something by this government that is inherently bad. The minister says it's not an option; you're saying it is an option. Are you going to consider it?

Mr Strong: I should make clear the context in which, Mr McGuinty, I suggested that all options for the corporate future of Ontario Hydro should be examined.

My understanding, in reviewing the public discussion on Hydro, is that the issue of privatization has arisen in the public dialogue on Hydro and I was responding to that situation. In doing so, I have no ideological position on the matter. I have served personally both public and private corporations. But I did and would now make clear on general principle, my approach is not one of favouring privatization in any ideological policy sense, but rather in suggesting that in looking at the options, and I think we must look at the options for the future of Ontario Hydro, that privatization is already one issue under consideration. That issue will not be decided by Ontario Hydro or by me. It will be properly decided by the government and there will be an accompanying public and political dialogue on that.

However, I believe that one of the things that we should do and that I would wish to do is to provide the kind of analytical background that would help evaluate those. The principle question on privatization, I would suggest, is to what degree and under what circumstances would privatization result in a most cost-effective and reliable electricity energy service to the people of Ontario.

I think that's the ultimate test. It's not an ideological test and, my understanding, when I discussed this with the Premier, was that he has taken no position on this issue and I have not understood that the minister's comments foreclosed any analysis of this. It was a statement of his view of privatization at this time. I would repeat and I believe that to the degree there is a public dialogue on privatization, our job is not to take a position on that dialogue but to help furnish some of the analysis that would ensure that this dialogue can focus on the kinds of issues I should think Ontarians would expect.

Mr McGuinty: The government has also taken a position on nuclear that is based on ideology. You are suggesting

that we apply a more objective test, that of economics, and that's commendable and supportable. However, this kind of brings to mind the issue as to whether you are accountable in the first instance to the ratepayers or to the government.

I'd like to get your views on that, because from time to time you may find that you're placed in a position where the government is directing that you do something which you do not feel is in the best interests of ratepayers. They may say, "Mr Strong, we're not going to consider nuclear because ideologically we think that is something that is bad," or, "Mr Strong, we're not going to consider privatization because ideologically that is something that is bad," and as a ratepayer I want the best possible price. Whose side are you going to be on?

Mr Strong: I'm not on any side with the side of the public in Ontario. The process of accountability is well established, as you know, Mr McGuinty. Of course we're accountable to our customers, but the formal system of accountability is quite clearly established. We are accountable to the government and there's a series—I don't need to tell you; you know all about this. There's the Ontario Energy Board and there's a very significant system through which we are accountable for our actions.

So we are not accountable directly to the people or to the customers; we are accountable through a system of accountability. I of course don't understand all the intricacies of it yet; I probably soon will. It's through that system that I see we have to be accountable.

I have to say that in my discussions with the Premier I have had no suggestion that we are subject to any ideological biases. Certainly, no such ideological biases have been made known to me. The nuclear moratorium is something I agree with.

Mr McGuinty: Mr Strong, it's very important for me to learn today whether you will be speaking out for the interests of ratepayers. Under the recent amendments to the Power Corporation Act, your board of directors will be issued directives and they will be absolved from any liability as long as they do as they're told, and any directive will deem to be in the best interests of the corporation. If you, in your heart of hearts, feel that what this government is saying is not in the best interests of ratepayers, will you speak up for us?

Mr Strong: I certainly will speak up in the councils of the corporation and in my relationship with the government. I have never yet in my public life—and I've had lots of difficult issues—had to take issue publicly with the government I serve. If I have to, I'm prepared to, but that is not the way I approach my job. My job is going to be that of serving the public, and it's particularly our clients. Under the act we have to do that, and I will feel a responsibility to act in accordance with the statutory mandate that we have.

Mr McGuinty: Thank you. My colleagues will have some questions.

Mr Sean G. Conway (Renfrew North): Mr Strong, on a more current issue, the morning press here in Toronto is reporting that the Ontario government has backed off its market value assessment legislation, in a word, because it now understands the impact of that on Ontario Hydro. Can you indicate to this committee this morning whether, in the course of the

last few weeks since you've come on board, you have had any dealings with the government on the question of the market value impacts of proposed government policy?

Mr Strong: No, Mr Conway. I've had no dealings on this issue.

1140

Mr Conway: I was interested to hear you talk earlier, in responding to earlier questions, about some of the structure that you imagine at Ontario Hydro. Let me just, in the brief time I have, ask you this: When one looks at Ontario Hydro today—and it is still, I think, the largest and one of the most complex corporations, if not the most complex, in the nation—there are some people who are increasingly alarmed that there is no one now at the very senior levels who has any operational experience. There are a lot of very good people, but almost no one now at the apex of this gargantuan public corporation with any operational experience. Do you see that as a legitimate criticism, and if so, what kind of steps would you imagine taking to address it?

Mr Strong: One of the impressions I've formed in my contact with the organization and its people is indeed that one of its primary strengths is the operating experience and capacities of its senior executives. The vice-presidents represent many, many years of operating experience and operating excellence. I don't want to be premature in making judgements, but my impression is that what the corporation needs now is a strong sense of strategic direction and the kind of confidence rebuilding that will enable the operating people in the organization to function properly.

Mr Conway: I guess specifically the concern has been focused at the chair, the CEO, the president and the chief operating officer. Those four positions are the positions that I think people are concerned about. There's no question that elsewhere in the corporation there are a lot of people with a lot of operational experience, but there is some very real concern that at the apex, in those top three or four positions, we now have no one with any significant operational experience within that corporation.

Mr Strong: When you add the last qualifier, that would exempt me, because of course I haven't been within the corporation. Of course, my experience in recent years has been very much at the policy level, but I have had very significant operating experience. I started out as an analyst and worked my way up: accountant, controller, treasurer, vice-president of finance. So over many years I've had significant operating responsibilities, but not within the corporation.

Al Kupcis, who is the acting president, has come up through the corporation and has very significant knowledge of it, and the other vice-presidents represent, in my view, a very rich array of operating experience. Of course, we must fill the presidency, and I would hope the presidency would be filled with someone who does have that kind of operating experience.

Mr Conway: Those of us who have been involved in the public debate in this province over the past number of years—in my case it's nearly 20 years now—have been struck by the number of people from, quite frankly, all political persuasions who have observed that Ontario Hydro represents one of the

most elaborate and complex and immovable bureaucracies in God's creation.

Quite frankly, we've had ministers of the crown responsible for Hydro tell us that in this room. My friend the member for Ottawa South has observed that this corporation has some nearly 30,000 people. The historical literature is replete with chapter and verse on this subject. It's not a partisan issue. It has troubled every government, whether NDP, Liberal, Tory or United Farmers. There isn't a Premier who has gone to his grave without complaining, often very publicly, about the impossibility of trying to manage the Hydro bureaucracy. My question is what, if any, plans you have for dealing with this.

Let me just preface this. I read myself to sleep last night with a New Yorker article from 1972, an unbelievably wonderful profile. Bob Rae and Pierre Trudeau should have died for this kind of coverage. It was a profile on yourself. It's from June 1972 and I'm just going to cite one paragraph:

"Every so often, Maurice Strong remembers that not all people are blessed with his tirelessness, and at the end of an especially gruelling day he invites his staff to join him at an impromptu champagne party in his office. Even on non-champagne days, Strong's subordinates are likely to excuse his demands on them because they realize he is a rare international civil servant. He loathes red tape. He is happy to make decisions. He is bored with bureaucracy.

"He even gave a speech last November"—probably November 1971—"in which he cheerfully proposed"—and this, for me, is the operative part of this—"that it might be advantageous for the United Nations if some of its proliferating departments were reduced in size by 50%, and instead of quoting some conventional authority on the human experience, such as Plato, Strong quoted Pogo, 'We have met the enemy and he is us.'"

That, quite frankly, sounds like former ministers of Energy who've come to this committee to complain about their difficulties with Ontario Hydro.

I'm wondering if you would care to comment on any views you have about measures you might take to reduce the bureaucratic tangle and to perhaps significantly reduce the layers of operation at this mother of all public monopolies.

Mr Strong: I had forgotten that quotation, but your suggestion that there is something in common with the United Nations and with Ontario Hydro has actually struck me. I have been Undersecretary General of the United Nations six times in my career, coming in to take on particular tasks. I have never confronted an organization anywhere as complex, as difficult to manage, as difficult to get things done in, as the United Nations, but in my first encounters with Ontario Hydro, I do think I now have a prospect of serving in an organization which has some of the same complexities.

However, my initial reaction is that there's one fundamental difference: The UN bureaucracy doesn't work very well. The Ontario Hydro bureaucracy, in my experience, does work extremely well. I've never seen an organization in which it worked better. That's an initial impression.

That doesn't mean improvements can't be made. In a big organization there are areas—human resources functions exist in the regions and exist at the centre; a number of planning functions exist in the regions and exist in the centre. I don't know what my position would be after I look at those,

but those are areas where you have duplicated functions that need examination. I would be surprised if they didn't yield some significant opportunities for improvement.

Mr Conway: Mr Chairman, I yield to the member for Bruce.

Mr Murray J. Elston (Bruce): Thank you very much, Mr Strong. As you know, my area has in it the Bruce nuclear power development and at this stage, of course, there's continual concern about the prosperity and prospects for prosperity, not only of Hydro but also of the communities at large. I think it's fair to say that our people are not asking for any special consideration, because they understand the pressures, but how can you demonstrate that there will be a fair assessment of all the studies and reports which have been done on the economics and the prospects for an economic production out of A, if that's to happen? How can you demonstrate to the community and the people who are working there that they're going to get that fair assessment?

Mr Strong: I fully agree with the need to do this. I think when decisions are made that affect important communities, the interests of those communities, human factors involved in those decisions, have to be given a tremendous amount of weight.

I am pleased to say that a committee of the board of Ontario Hydro is examining the potentials and the options for the future of Bruce A. That committee is under the vice-chairman of the board and will be going to Bruce within the next few days. They're there simply to look at the situation from the local perspective, and during that they will have many opportunities for discussions with local people. That is one of the important measures already undertaken to make sure the interests, the concerns and the views of the people who depend on that facility are taken into account. I certainly would very much follow in that mode.

1150

Mr Elston: Apart from the interviews, how can the people from that area sort of become involved in the discussions? I think we've seen so many times where the interviews or the touching of people is a demonstration of interest in quelling, sort of, weary nerves but there is no indication that the message is clearly heard or in fact has even been presented during the discussions.

Is there a possibility, for instance, that people from the community can actually become involved actively in the discussions, so that there is some sense or some connection in the community that fairness has prevailed at a time which is most critical economically not only to Hydro, which it is and to all of Ontario, but certainly to the constituents in my area? I repeat, we're not asking for special consideration or any of that, but we certainly are looking forward to a sense of fairness.

Mr Strong: I think that is very important. I do not know all of the measures the corporation is planning to give effect to this, but I assure you that I will examine them very closely, if I do find myself occupying the chair, and will do my best to ensure that this concern is met.

The Chair: We'll move on to Mr McLean and then Mr Stockwell.

Mr Allan K. McLean (Simcoe East): Good morning, Mr Strong. Welcome to the committee.

I have a question for you that relates to the debt and the assets. The debt is almost as large as what the assets are. There are more people changing to gas than ever before. There are fewer people paying hydro. What are you going to do to get rid of the debt or to keep it in line because of the fact that there are fewer people paying hydro and the cost is going up?

Mr Strong: We obviously can't wish the debt away. I wish we could, but it's only going to be reduced over time. I think initially the important task is to try to keep the growth of the debt in line and also to conduct the corporation's affairs in such a way that we'll inspire the confidence of the financial markets and therefore be able to borrow money on the most favourable terms. But I think it would be unrealistic, unfortunately, to suggest that we can do anything to actually get rid of that debt at an early stage. I think slowing its growth has to be our primary objective.

Mr McLean: Some employees have indicated to me that there could be as many as 10,000 more employees at Ontario Hydro than what's needed. What is your view with regard to getting rid of some of those employees?

Mr Strong: I don't know the answer to that, but that is certainly something that I'm going to pay a tremendous amount of attention to. But I do want to make the point that we must not forget that the prime asset of this corporation is not just the physical assets on which we're paying debt, but the people in it.

We do have to cut costs, and I think our employees recognize this. We do have to trim our personnel. Someone mentioned earlier, and I don't think I responded to this, the construction area. I think it is quite clear that if you're doing less construction, you need fewer people, just to give one example.

But by the same token, we must do this in a way which does not erode or impair the morale and the basic conditions of service for our people, because this is our key asset for the future. The management of this corporation is going to be much more difficult in the future than it has been in the past, much more demanding, both of our professional and our managerial capacities and our operating people, and we must provide a solid base to ensure that people are going to continue to find it attractive to come here and commit their careers to Ontario Hydro.

Mr McLean: Could I get your views with regard to contracting out?

Mr Strong: In principle, I like it. In principle, I believe that if we were looking back, and I'm not criticizing anyone, I would think that perhaps the costs on some of our major construction projects might have looked differently. If we were dealing with private contractors, we might have had recourse which we can't have with our own employees.

As I say, I'm not looking back on that, but in principle I believe that contracting out can be a very useful way of having services performed competitively and, in the course of it, helping to support the creation of a viable services structure.

Mr McLean: I understand you're going to Bruce; you indicated tomorrow. Could I have your observation with regard

to the updating of that facility? I know that you don't want to build more, but will you upgrade that facility so that it'll continue to be in use for many years to come? Is that your observation now? Are you thinking of that, or are you thinking of closing it?

Mr Strong: Continuing it is certainly one of the options. I have no position on it. I am doing my best to get up to speed on this issue. Of course, I'll be very influenced by the findings of the special committee that is reviewing the matter that I referred to earlier, but I have no position on it at the moment.

Mr McLean: We met yesterday with the Ontario forest industry and we were informed that Detroit Edison, across the border from many Ontario operations, is cutting rates by 3% in 1993 and 16% in 1994 for its major power customers. What are we going to do for those forest industry people?

Mr Strong: Unfortunately, Mr McLean, I cannot give you a specific answer to that, but I do recognize it is a very prime challenge to us. Detroit is our neighbour. It's the closest place to which industry could move if it moved from Ontario, so that is a very real concern. What we can do about it within the limitations of our situation, the act under which we operate, I'm not sure, but I would like to think there are some things that we can do about it, and if there's anything we can, I will be proposing such measures to the board.

Mr McLean: There has been a lot of industry that has moved to the United States. Would you believe that part of that reason is because of hydro rates?

Mr Strong: I don't know. I've discussed with a number of industrial leaders here who are concerned about rates and no one has yet suggested that they have actually moved. There's been the odd suggestion that this is a factor in a move. I had a call this morning before I came to this committee from a leading industrialist in Europe who was actually looking in the other direction, looking at locating here.

I think we have to reach out as well as just protect the industry that is here. I think we also have to create an energy rate structure that is going to be attractive to new people as well, but we can't do that if it's not competitive with our neighbours.

Mr McLean: Right. Energy Probe and think tanks such as the C.D. Howe Institute, for example, have criticized Hydro severely. What are your views with regard to the criticism? Do you think it's appropriate?

Mr Strong: I couldn't give you a broad answer to that. I've been reading and trying to absorb a vast array of material on Hydro, including critical reports from Energy Probe etc. I think they have some very good points. Some things I would agree with at this preliminary stage; some things I would question; some things I would disagree with. I couldn't give you a total answer, but these are all very helpful in terms of the process of making some of the tough decisions we're all going to have to make.

Mr McLean: My final question is, would you, in the overall looking at Ontario Hydro, be looking at selling off some of the assets in order to reduce some of the debt?

Mr Strong: I think we should be looking at every option. Now, the extent to which these options provide real answers to our problems, I don't know, but we're a vast corporation.

In any vast corporation, and one as old as this, of course, various assets accrue which maybe are no longer quite as relevant. That's certainly something we should look at.

Mr McLean: Have you considered the amount of layoffs? I know I started out with this question, but in your mind presently, from what you have observed, what do you anticipate will be the layoffs in Ontario Hydro?

Mr Strong: I can't give you any answer to that. As Mr Conway quoted, I made a statement in the UN that 50% of the staff could be cut. That was a considered statement. I'd been with the UN, I knew it, and I still feel very much the same, incidentally, but I don't have that same knowledge of the internal situation in Ontario Hydro. So I could not give you a knowledgeable answer to that at this stage.

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Mr Chris Stockwell (Etobicoke West): I want to address the issue of cost to the consumer very specifically. Probably outside this room and this building, when you go out into the regions of this province, that appears to be the number one issue and the number one question that's asked about the costs of hydro.

I note in the Toronto Star, I believe it was last week, that you said you will keep future rate increases below the rate of inflation. You have also said today that basically when you're talking about keeping the costs in line you really only have about 25% of the budget to play with. Obviously you're an accountant or you've been in the accounting process, but we all understand that six and six are 12. The capital costs and the debt servicing are fixed costs. There's nothing you can do about them.

I can't understand—and I guess you're singing from both sides of this hymn book, as far as I'm concerned. How can you tell me that the number one commodity that you have at Ontario Hydro is the people, tell me on the other hand that there's only 25% availability as far as controlling costs are concerned, then say you're going to keep your rate increases below the rate of inflation and then say you haven't looked at layoffs? The bottom line here is that if only 25% of your ability to control costs is available to you, what else are you going to do but have layoffs? What's the option?

Mr Strong: First of all, let me say that I did not, as that article implied, make a commitment to keeping the rates below inflation. I said that has to be our objective over time. It's quite clear you're not going to do that in the next two or three years, but over time we have to have that as an objective.

It's not easy to accomplish, as you rightly say. It will require reductions in future capital expenditures. You can't do anything about capital expenditures that have already been made, but over time you can take a much tougher look at the mix of new capital expenditures, at the mix of supplies you provide internally with your own capital expenditures and those which you contract for. That's one of the supply options.

Of course, as you say, there are limitations in the degree to which you can slash staff costs, but we are not going to be competitive. However difficult it may be, we are going to have to keep our rates below inflation, but that can't be done instantly. That's got to be our objective over time.

Mr Stockwell: What time period are we looking at? I mean, these people—

Mr Strong: Ten years.

Mr Stockwell: Yes. That's the difficulty I'm faced with in speaking to constituents in this province. No offence; it's your first time in here and I can appreciate that. I think you're probably going to have very few impromptu champagne parties over the next few years because of the difficulties you're faced with at Ontario Hydro.

But the question stands: Ten years doesn't seem to be good enough for my constituents, it's not good enough for the businesses in my municipality, and I would suggest, sir, it's not even close to good enough for those particular industries that are very dependent on hydro and are spending millions and millions of dollars to try to stay competitive.

I'll put it to you in that fashion. They don't buy into this 10-year plan; in 10 years they're out of business. What do I go back and say to these people about your game plan of, "Ten years and we'll get down to the rate of inflation"?

Mr Strong: I didn't say it would take 10 years to do it; I said you have to be able to do that within a 10-year context. That doesn't mean we can't move there in the next three or four years. I simply don't know how long it would take. I do know you can't do it in the next two or three years.

Mr Stockwell: Okay. The next question: I think you've got to do it tomorrow, quite frankly. I don't think you have any options here. We're losing business like it's just going out of style in this province. We're losing 500 jobs a day, businesses closing down, hydro rates going through the roof, double-digit increases. The only way I can see you can do this and maintain what you suggest is a reasonable position with respect to your employees is massive layoffs, in the range of the thousands of people.

If you get to the situation where it's quite obvious that there's no other alternative, are you prepared to pink-slip thousands of employees so we can have competitive, economic hydro rates?

Mr Strong: I am prepared to do what has to be done to make this corporation viable and competitive. Whatever we do has to be done, however, in a way that does not destroy its capacity to remain a viable and competitive organization over time. We are not just meeting the current crisis. We are doing that, as you well know, but we have to do that in a way that doesn't destroy the organization. It's one of the prime assets to this province, and we've got to make very sure that we do not seriously compromise that capacity to continue to serve in the future. Otherwise, we're not only going to lose present industry; we're not going to attract future industry.

So it's a balancing act, and it's not an easy one. Frankly, if this job had been easy, I wouldn't have been interested. But I'd be very happy to have any specific proposals that you or anyone else has that will help me to do this more effectively.

Mr Jordan: Mr Strong, Ontario Hydro has been referred to as the largest construction company in Ontario and maybe in Canada. Would that not be a number one move? You refer to contracting out and reduction of staff and so on. We've got design, we've got planning, we've got all the construction staff, we've got the engineering division, but we've got nothing for them to do. The people are telling us that. We don't have to go inside the corporation to see that. That's dealing with the 25% my colleague has referred to, that one aspect of it.

On the other side, here we are negative marketing when we have to build generation to meet a 20-minute peak, and here we have valley power and we're saying, "Don't use it." There is not another energy that is as controllable, Mr Strong, as electricity. With the technology we have today, we can control it so it's not on at peak time; we can have that cash flow from valley power. People in business do not understand that we're saying to them: "Don't use our product. Go down the street. We'll let the generators spin. We'll let the water over the dam." How do you feel about that approach to marketing?

Mr Strong: Basically, I think it's sound to be reducing demand over time—

Mr Jordan: That part we agree with. I'm talking about the valley power.

Mr Strong: But when you get into a tough situation, as we are now, when our market is less than projected and we've made expenditures, including capital expenditures, on the basis of higher projections, obviously you have to cut the cloth to fit the situation. So I think all of our programs need to be re-examined in terms of adjustments in the short term which will not fundamentally change our long-term commitment but will accommodate to the very unusually tough and austere situation we now face.

Mr Jordan: I really believe we're looking at something here that the rest of the North American continent and in fact the world is envious of. We have the knowhow, the expertise, and we have the electrical industry, and we're killing it, we're killing it with a plan—not by accident, but with a plan. This is going to be very sad for the future of this province if we continue down that avenue of negative marketing: "Don't use it." It just does not make sense.

I say demand management: Cut the peaks as much as you can. It's good for business; it's good for everybody. But you have the equipment there, you have those kilowatt-hours that are off-peak, and people today are accustomed to living in a totally controlled environment, Mr Strong. We have a way of life here, and to keep threatening us with, "If you keep using it, we'll raise the cost"—that's one way to control it. I think the old "Live better electrically" has done a lot for this province, and we have lived better electrically, not only in our homes but through industry.

Industry has made great strides. I have a letter from Falconbridge. They had implemented all the very best technology to cut their demand so on, and what happened? The increase absorbed everything they had saved.

1210

Mr Strong: What you're saying is very important, Mr Jordan. I certainly hear you very well.

We have short-term objectives and longer-term objectives. One of the longer-term objectives—in fact, I think the primary longer-term objective of Ontario Hydro—should be to take the lead in trying to ensure that Ontario will be the most energy-efficient and competitive economy in the world.

Energy efficiency means eventually reducing demand, and of course you've got to manage that reduction in a way that doesn't create undue problems for you when you're experiencing short-term problems like we are now. But if we don't become more energy-efficient, we're going to have a sinking economy as a whole.

Japan now takes 50% of the energy that we do to produce a unit of GDP. That's something that's bad for our competitiveness. So an energy-efficient economy is the key to the economic future of this province. Managing it in a way that achieves it without exacerbating short-term problems is a challenge. I don't say I have any secret means of keeping that balance right, but I do see it as a very primary challenge.

Mr Jordan: Do you see the cash flow in that valley power?

Mr Strong: Yes, I do see it. I see that there's cash flow available in that, of course.

The Chair: We have to move on.

Mr Kimble Sutherland (Oxford): Mr Strong, I don't have the knowledge of some of my colleagues here about Ontario Hydro, but our historian of the Legislature, Mr Conway, has talked many times about the mandate of Ontario Hydro from day one being power at cost. I've been spending the last two years trying to figure out what the definition is of "power at cost." Have you had an opportunity to develop your definition of what power at cost is? Do you think Hydro has been able to provide power at cost?

My second question to you has to do with the greening of Ontario Hydro, not only in terms of energy conservation and reducing those costs, also some comments on non-utility generation, but do you see a role—maybe Ontario Hydro is already doing this—in helping to develop new industries, new technologies that can be turned into new jobs for the province of Ontario? How do you see Ontario Hydro's role in that? What vision do you have for making Ontario Hydro supportive of these new technologies and new jobs?

Mr Strong: Like you, I have been trying to understand what is meant by "cost" in the particular context of our legislation and our experience. I obviously need to form a view of that, but I have to start by understanding what the prevailing view is, what the governing view is.

Cost, like a lot of other things, is subject to a wide variety of interpretations, but I believe the principle is quite clear, that obviously we are not called upon to receive subsidies from the government in the setting of our rates, nor do I believe we are expected to provide subsidies. The full implications of the definitions that have been applied by Hydro are not known to me yet; I don't fully understand them yet, and I'm seeking to do that.

What was the second question again?

Mr Sutherland: It was regarding technologies, helping to support new industries and new jobs.

Mr Strong: In fact, this is one of my prime interests. I have had a significant interest in technology for some years. I have chaired a group for several years now of the heads of some of the major technological and intellectual institutions in the world, including the heads of Tokyo University, Caltech, MIT, Kyoto University, the Institute of Advanced Studies in Princeton, the Max Planck Institute, the Royal Swedish Academy; heads of 25 of the leading organizations of the world. I've been chairman of that for several years, and their principal purpose is to examine major new scientific and technological breakthroughs that may have industrial implications, so I'm deeply interested in this.

I believe there is a tremendous potential for Hydro, as one of the largest organizations in the country, certainly in Ontario, in an industry—energy—which is particularly susceptible to the use of technologies, to play a role in this, and I'd like to feel we can play a role. I think Ontario Hydro has been playing a role, but this is an area where I believe we can make a significant contribution to the province.

Mr Daniel Waters (Muskoka-Georgian Bay): I know we've kept you well past the time, and I also happen to know you have another appointment we're making you late for.

Mr Strong: No problem.

Mr Waters: I'll keep it brief and then we'll let you go. I thank you very much for your patience with us.

I would like a quick comment on what your views are on municipalities wanting to leave the grid and produce their own power.

The second thing I'd like a quick comment on is that Hydro—at least where I live in central Ontario—is known for listening but not hearing. I would like to know what you could do or bring to the board about the general public out there, ultimately the people who buy the power, about bringing to Hydro a means and an understanding that Hydro indeed is hearing, not just listening, that it's hearing and is willing to act upon some of the concerns.

Mr Strong: On the second question first, if I may, I can only assure you that the Hydro I'm associated with will not only listen but hear, and we'll try to make sure that isn't just a rhetorical statement. We'll try to make sure we actually establish processes or use existing processes to make that happen.

On the issue of individual municipalities opting for their own supply, this is a fundamental issue, as well as a very important issue in terms of the current situation.

In terms of the current situation, as I mentioned, I see that my highest priority is trying to ensure the financial integrity of our system as a whole. We need to be flexible. We need to be cooperative and helpful with communities that have particular needs and particular solutions to their problems that might meet those needs. But the reason the people of Ontario opted long ago for a province-wide system was to ensure that the whole province was going to be supplied with reliable, competitive service. As in many other aspects of a province like Ontario, there'll be many, many policies where one community could pursue that policy to the detriment of the rest of the province. When that happens, that opens very fundamental issues.

From the Hydro point of view, we don't take decisions on the whole range of issues, but we do have to take a position in terms of any such arrangements that would at this point, however desirable they might be for that community and as a general matter of cooperating with communities. We might well have to take a position that we simply have to resist anything that's going to significantly compromise the integrity of this corporation at this important time.

Mr Waters: Once again, I thank you for your time, and we will allow you to get on and try to get caught up with your schedule.

Mr Strong: Thank you.

The Chair: Mr Strong, that completes the interview process. We appreciate your appearance here today and wish you well.

Mr Strong: I'm very, very grateful, Mr Chairman, to you and the other members. The fact that you gave me two hours of your precious time and asked questions that indicate the degree of knowledge and commitment to the affairs of this corporation is an encouragement to me. I look forward to hearing your criticisms, your guidance, your comments in the future, and I'll try to live up to your expectations.

The Chair: Thank you very much.

Mr Conway: The courtship is over. Let the marriage begin.

The Chair: Can I ask members of the audience who wish to leave to do so as quickly and quietly as possible? The committee still has some business to conduct here.

I'm looking for a motion from a member of the committee in respect to Mr Strong's appointment. Do we have a

motion to concur with the intended appointment of Mr Strong?

Mr Waters: So moved.

The Chair: Moved by Mr Waters. Any discussion on the motion? All in favour? The motion carries.

One other item of business: As this is probably going to be the last meeting of the committee, I'd like to have a motion from someone giving the subcommittee authorization to make final decisions on all matters to be dealt with during the recess. It's a normal—

Mr Waters: I can move it.

The Chair: Moved by Mr Waters. Any discussion or question on that? Okay, that's carried.

Anything further we should be discussing? We do have a subcommittee meeting next door. Meeting adjourned.

The committee adjourned at 1220.

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- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
 - Bradley, James J. (St Catharines L)
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*In attendance / présents

Substitutions present / Membres remplaçants présents:

Conway, Sean G. (Renfrew North/-Nord L) for Mr Bradley
Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
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Jordan, Leo (Lanark-Renfrew PC) for Mr Stockwell
McGuinty, Dalton (Ottawa South/-Sud L) for Mr Cleary
Sutherland, Kimble (Oxford ND) for Mr Marchese

Also taking part / Autres participants et participantes:

Elston, Murray J. (Bruce L)
Stockwell, Chris (Etobicoke West/-Ouest PC)

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



Legislative Assembly of Ontario

Second intersession, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 6 January 1993

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Mercredi 6 janvier 1993

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 6 January 1993

The committee met at 1005 in room 228.

APPOINTMENTS REVIEW

Consideration of intended appointments.

GEORGE ZUKOV'S

The Acting Chair (Mr Cameron Jackson): I'd like to call to order the standing committee on government agencies. We're here to commence in rotation a series of reviews, up to 30 minutes.

Our first appointment review is Mr George Zukov's, who is the intended appointee for the Municipal/Industrial Strategy for Abatement (MISA) Advisory Committee.

Please come forward, Mr Zukov's, and welcome this morning. Please have a seat. We will require you to speak directly into the microphone because we are recording on electronic Hansard, and since this was a review requested by the third party, we will begin our review with the third party, in rotation.

Mr Gary Carr (Oakville South): One of the questions I had is, I had a chance to look through your résumé here. How did you actually find out about the position? Maybe you could give us a little bit of an idea of how you found out and how you got interested in wanting to have this position.

Mr George Zukov's: Well, in point of fact, how I found out was through a currently serving member of the committee. It was in casual discussion, more in reference to the fact that Dr Mackay had left the committee and that there was in fact a vacancy. On the strength of that, I undertook to submit a letter to Dr Heathcote requesting that I be considered for the committee.

Mr Carr: And who is the member?

Mr Zukov's: Mr Fortin.

Mr Carr: With your background, how much do you know about the position? Had you been familiar with what the position will entail?

Mr Zukov's: As a consultant, I had done work on behalf of the Ministry of the Environment in relation to the MISA program, so I was in general familiar with the MISA program and the MISA advisory committee. I have never attended any of their meetings nor am I certainly intimate with the details of their operation, but I certainly understand the generality of what they're there for and what they're there to do.

Mr Carr: What type of strengths do you think you could bring to the position?

Mr Zukov's: Well, I've been engaged in environmental management and protection for probably over 20 years now, and through that I've worked, in the very early part of my career, in industry, in the food processing industry, and have subsequently worked for government and as a private consultant.

I think my technical background, both in industrial treatment and in municipal waste water treatment and master

planning is quite strong and it would be beneficial. As well I have specific knowledge of the program through work I have undertaken for the Ministry of the Environment in connection with studies on things like local limits development, which is sewer use management, things like the inorganic chemical sector, where I managed the project developing the best available technology options, and other projects that we've undertaken, including the look at 37 municipal treatment plants in Ontario and identifying the types of contaminants that were resident within those facilities.

Secondly, I think the strength I would bring is that I have an ability to work in a committee environment, that by nature I tend to be more of a conciliator than a confronter, and as a consequence I think that it would bring some dimensions to that committee to assist them in their work.

Lastly, I think I'm very strongly committed to the idea of trying to perhaps give something back to the province in the sense that I've had a very good education through the Ministry of the Environment in the years I spent there and I've been quite successful in a consulting sense in the province, so feel quite strongly that some of that can be returned.

Mr Carr: If you were in charge of taking a look at the MISA program, what would you specifically do? Are there any ideas of what you would change? What do you like about it? What do you not like about it? Maybe you could just give us a little bit of an idea, if you were the person in charge, what you'd like to see happen.

Mr Zukov's: Certainly one of the things I'd like to see happen—and I'll be quite frank; I'm sure that many minds have been put to this question—is to try to streamline the process and expedite it to get it in fact moving a little more quickly than it has in the past.

Having said that, I think it's worth observing that the parallel process undertaken in the US has yet to come to its conclusion 20-odd years later and tens of millions of dollars down the road. I think one issue that needs to get tackled right off the top is how to get some momentum back into the MISA program, how to get some profile for that program and frankly how to get people excited about it again.

Mr Carr: As you know, working in the government one of the biggest problems always is how do you streamline things in a bureaucracy. Good ideas that quite often originate here sometimes get bogged down in the actual field. Knowing a little bit about what the program is intended to do, do you have any suggestions of what could be done to streamline it, since that seemed to be one of the biggest concerns you've got?

Mr Zukov's: I think what it would take is considerable change perhaps in how they're doing business, and that I think would need to be balanced off against the desirability of moving it forward more quickly. What I'm implying, for example, is that the notion has been put forward that the US and other jurisdictions have developed these industrial regulations,

have developed, in the case of municipal pre-treatment programs, other programs that are of some use to us and that could be imported.

One approach that might be of some benefit might be to take those results and import them directly—Ontarioize them, if you will—put them in as an initial position for regulations and then move to fine-tune those regulations down the road. Have something in place, have something ongoing and then move subsequently to make the changes. That would, unfortunately, I think, require a substantial change in how that whole enterprise does business.

Mr Carr: Do you think we'll see that change?

Mr Zukovs: I hope so. I hope we'll see some change.

Mr Carr: Overall, how would you rate the program. If you were taking a look at it from the outside, how would you rate it? Good, bad, fair, excellent, poor?

Mr Zukovs: I'd give them somewhere between a C plus and a B minus. They've been at it about six years, there's been a change in government in the middle of that six-year period and outside of that, as I think I've indicated, they've really had to create virtually from scratch a whole set of rules, a whole bureaucratic infrastructure to deal with a very major program. I think in that sense they've done well, as well as could be expected.

Mr Carr: In other words, if we had not had this program we would have been much worse off?

Mr Zukovs: I would say yes. I think one of the very positive benefits of this program has been that it has at least focused both industry and municipality on the issues of toxicity, on the issues of effluent discharges and what they're going to have to do. If the specifics aren't there at the moment, certainly the agenda has been laid out. I think that has a positive and beneficial effect.

Mr Carr: It seems like we at least have some ideas and are heading in the right direction, but there are many people concerned that we aren't making very much headway, that things aren't getting that much better. Would you be able to tell us if that is the case? Do you think we are making improvements, or are we still slipping further behind? Because it seems like we've put in some good programs but, unfortunately, some other things happen so that we never really seem to get ahead. Overall, how would you evaluate what we're doing in this province?

Mr Zukovs: I think that's one of the most difficult questions to answer in the sense of what constitutes quality of the environment, how do you measure that and how do you decide whether we're doing an adequate job in the long run. Again, many people have tackled that in a scientific sense and have tried to define that.

My opinion is that we are making progress. We have brought higher degrees of control to industrial discharges. We have brought higher degrees of control to municipal discharges. Since the 1950s we've literally built many sewage treatment facilities and water treatment facilities. I personally could not have imagined, say, 10 or so years ago, that we would have a thing like the blue box program we're undertaking now. That, I think, reflects a real societal change in

terms of how we're thinking about the environment and what we're doing.

I'd say yes, I'm optimistic. I think that we are making progress, that there is somewhere to go with this program.

Mr Carr: One last question: With regard to the technology involved, you talked about some of the problems with the United States. From a technical standpoint, how would you rate us in the world? Are we doing well in that area with the technology? Who do you see as the leader in the world in some of the technology that's involved?

Mr Zukovs: I'd say we're doing as well as anybody in the world. I think I can say that with some authority from the standpoint that one of the things we did as part of this industrial sector look was to have a look at worldwide technologies for control of inorganic-type facilities. These are things like, for instance, soda ash producers, chlorine producers, people who are making ammonia nitrate fertilizers and so on.

I think our technologies are equal to anywhere in the world that we were able to ascertain, certainly on the European scene and within the US. There are always places where there are some new, interesting, innovative technologies, and I think we should try to learn from those things. But overall, I'd give our industry a reasonable grade on that in terms of its utilization of appropriate technology for control.

The Acting Chair: You will have to be very brief, Mr Arnott.

Mr Ted Arnott (Wellington): Thank you, Mr Zukovs, for coming in today. I appreciate your interest in this committee.

The MISA program has been operating, as you say, for a number of years and you've given us your views on its effectiveness. You have some strong views on that and I thank you for sharing those with us. You talk about cooperation with other jurisdictions as to how we solve this problem in Ontario, and looking for answers from other jurisdictions. Do you think we have enough formal mechanisms in place to be able to share ideas with other jurisdictions with respect to this problem, or are there other things we could be doing?

Mr Zukovs: I'll be quite honest with you. My experience has tended to be that rather than through formal channels, it's the back channels that tend to produce, quite often, the best results in terms of really understanding how other jurisdictions are doing business. I spoke about the fact that one possibility might be to import regulations from other places. One of the hazards there is really to understand what deals were made at the table when those regulations were being put in place.

There truly is not a complete, scientific, cut-and-dried process, as I'm sure you're aware, but one of tradeoffs and things going back and forth. I think that type of information tends not to get transmitted effectively by senior bureaucrats who have a position, a program and a line that they're espousing on things. If we can somehow promote a more free exchange at a working level, then I think there would be benefit.

Mr Daniel Waters (Muskoka-Georgian Bay): I have a couple of questions this morning. One is about water pollution in the municipal sector. Are we doing enough with sewage in the smaller rural towns? When I took over my particular riding, we had something like eight or 10 outstanding sewage plants that

had been on the line of request for 10 years or better. Are we doing a good enough job? Are we putting enough to it? Do we know enough about what we should be doing there?

Mr Zukovs: I think the answer is that we could be doing more. Interestingly, I think this is almost a universal problem.

Just as an aside, I was working recently for the people in Cincinnati doing some review work and one of the issues that came up was that in the rural areas adjacent to Cincinnati they're asking exactly the same thing. People are on septic tanks, on home treatment systems. How can we tie them into a central collection system, how can we make this whole process more effective and how can we allocate some money to actually get this done?

My experience in Ontario has been that there certainly have been programs of rural improvement, both water and sewage, that have had reasonable levels of funding. Again, I think we're making some choices here. We have larger municipalities with many problems, we have smaller municipalities with problems, and I think we could be doing more in terms of improving what we're doing in smaller rural municipalities, centralizing treatment and so on.

Mr Waters: I just find it interesting. I have one community desperately looking for a new water plant, because they have wooden pipes and asbestos pipes. The wooden pipes have gone porous; they're running under septic systems. Septic pipes are breaking down; they're now digesting the asbestos and they're looking at replacing the water line. They're not thinking at all about the fact that their backyards, where all their sewage or septic tanks are, are becoming somewhat hazardous, I would imagine, at this point.

Mr Zukovs: Truly, notwithstanding the fact that we've done some remarkable things in Ontario, I think, over about the last 40 years, there are still parts of Ontario, still within incorporated municipalities—I can point, for example, to areas in the city of Windsor—that are still on septic facilities. Part of it's a local issue, with people being asked to vote their money to put in sewage collection systems and that's going to be reflected in their taxes, and part of it's an issue of how hard perhaps the regulators need to push to get some of this moving a little more quickly and in place.

1020

Mr Waters: I'd like to move on to something else. I'd like your opinion on the zero discharge of organochlorine compounds from pulp and paper.

Mr Zukovs: As I understand, the minister has taken the position that organochlorine compounds in pulp and paper effluents are undesirable. I would tend to share the view that as a goal, it's a very worthwhile goal to reduce or eliminate those compounds. What we hear is that the science is equivocal on whether or not this is exactly the right thing to be doing, how far we need to go and what we need to do. I think, rightly or wrongly, that the position is a conservative one and one that at least stakes out a long-term goal in this sense.

The question is going to come, how fast and how hard is the industry going to get pushed? That is going to take some delicate judgement, to really take into account the state of the industry currently and to somehow meld that with the desire to eliminate these compounds. The technology is there. How quickly it can be implemented is the real key question here.

Mr Rosario Marchese (Fort York): Mr Zukovs, the previous government I believe made an important contribution in terms of pollution abatement. My concern with the next step has to do with pollution prevention. In what way does your background help to make a contribution towards a policy or regulations concerning prevention as opposed to simply abatement?

Mr Zukovs: From a technical standpoint, if you will, one of the things I do regularly in looking at either municipal or industrial problems is to look at what I would call the easy things to do, the simple things to do first. Quite often, that pollution prevention label fits those things quite nicely.

For example, in an industrial sense, the first thing you ask yourself is, can you change the process, can you change the raw materials? If it's cooling water that's contaminated, can you change the source of that cooling water? Build that as the first element of solving the problem; don't stick a treatment facility on the tail end of the thing, if you can at all avoid it.

Part of pollution prevention is a way of thinking, a philosophy, if you will, and that's something I've been engaged in for some years now. In municipalities, the analogue is, for example, water conservation: Can we reduce the amount of effluent discharge from a sewage treatment facility by implementing a water conservation program?

Mr Marchese: To what extent are we doing what you're suggesting?

Mr Zukovs: To the extent that we are starting on this process. Industries really do understand what they're up to in most cases and I think are quite capable of looking at their own processes and saying, "That's the easiest, cheapest way of doing business."

In the case of municipalities, we're on the cusp, if you will. The region of Ottawa-Carleton just recently appointed a permanent staff position of water conservation coordinator. Metropolitan Toronto has as one of its planning tenets to look at water conservation.

Mr Marchese: I have another question, Mr Chair. Is there time?

The Acting Chair: Go ahead.

Mr Marchese: I'm also interested in the ecosystem approach to chemical management. Perhaps you might want to give a definition of what you think that is. As a further question, would the role of an ecosystem approach help to define a regulatory approach or a policy approach to this issue?

Mr Zukovs: That one is kind of a broad-ranging question. Let me say this: One of the things engineers in particular are greatly cursed with is tunnel vision. Sometimes we have a tendency to look at very specific issues of what we do with this particular effluent or how we take out this particular pollutant and lose sight of the fact of why we're doing that.

The issue of ecosystem is really to say that in and of itself there is value connected with a diverse, abundant, natural ecosystem, with many species fulfilling all sorts of different niches within that ecosystem, and that anything we do to impair that natural process is in fact undesirable. Sometimes with the things we measure in those effluents as chemical parameters, we can't really say how that's going to influence that ecosystem, so we tend to focus on what we can measure and lose sight of what our goals really are.

I think that needs to come back into the regulatory process. The way it's being manifested right now at least in part, is through the look at toxicity of effluents, looking at whether or not this effluent as a whole—never mind all these parameters, but as a whole—is toxic to specific organisms and therefore can be said to have some ecosystem impact.

Mr Marchese: Again, would you say we're doing what you're suggesting or not?

Mr Zukovs: No. We're moving in that direction. I don't think we're there, by any means. In fact, our regulations are still based on numbers at the end of the pipe, rather than simply saying, "This is really our goal," out here. We tend to focus on what we can do as engineers in terms of measurement and control.

Mr Steven W. Mahoney (Mississauga West): Mr Zukovs, I almost wonder, when I look through your résumé, if we're going to be underutilizing your talents. You've worked for just about every municipality in this general community in dealing with some of those problems. I was actually a member of a municipal council when MISA was first introduced, and there was a lot of shouting and gnashing of teeth that perhaps the province was simply pushing off its responsibility to the municipal sector. I wonder if you have any sense of how the municipalities are reacting to it today and whether it is really working, not so much from a pollutant perspective but rather from an intergovernmental perspective.

Mr Zukovs: I agree with you. Initially, particularly as at about the same time the enforcement and—I can't remember the other half of their name, but in effect the environmental police—were put in place as well. That certainly had a galvanizing effect on a number of officials.

My sense now is that there is still some confusion out in the municipal arena as to what MISA is going to hold in store for them in the long run. There isn't really a clear agenda being defined that says, "These are the things you're going to have to do with this timetable." I think they're operating currently in some uncertainty. Given the state of the economy and the state of their financial affairs, I think this has tended to recede to the back of their minds rather than to the forefront. I suspect that as the economy improves and as we get a little more financial capability, it's going to move back on to their agenda, but there isn't quite that same level of intense anxiety that there was in connection with the first announcement of the program. I think things are getting better, from that standpoint.

Mr Mahoney: Yet if I read this correctly from our research documents, only 44 municipalities—albeit representing almost 60% of the population, but only 44 municipalities—out of, what, 850 in the province have adopted a bylaw in this regard.

Mr Zukovs: We're talking about industrial sewer use?

Mr Mahoney: We're talking about prohibiting—in 1989, the ministry slowed things down, as you surely know, because of the estimated cost, but asked municipalities—I'll just read—"to voluntarily adopt an updated model sewer use bylaw as an interim measure."

That hasn't been done, by and large, throughout the province. Certainly in the high-development communities I suppose it has. I just wonder if this isn't a low-cost or no-cost

factor that we could somehow encourage the municipalities to follow through on and, if you agree with that, how we might do it.

1030

Mr Zukovs: Certainly with the municipal bylaw issue, most municipalities have some type of bylaw, not necessarily the 1989. They could have something that comes from antiquity literally. I would tend to agree that there is some positive benefit for them to move on the bylaw issue even from a revenue standpoint. Many municipalities have organized it such that their surcharges and penalties do in fact pay for the program and produce excess revenue. It is possible to organize it in that fashion, so it's an area that I think can be moved on.

Perhaps the reason nobody has done more to this point is, again, trying not to get out in front of the MISA program. The one hazard with announcing and then not coming with the specifics is that people tend to sit there and say: "I don't want to be in front of the pack. I want to make sure that when it moves, I move in an appropriate direction." I think there is some hesitancy out there on that basis.

Mr Mahoney: As a member of the advisory committee, would it be your advice to change the requirement to adopt such a bylaw from being voluntary to making it mandatory?

Mr Zukovs: I think that was one of the mechanisms that was being looked at by the sewer use bylaw people within the MISA group. If memory serves, a number of such mechanisms got looked at, including that option. I'll be quite honest with you. I'm not absolutely to the minute current on which option is currently being looked at and favoured by staff, but I'd say it's certainly one way of going about the whole thing.

Mr Mahoney: But what I'm interested in is your position as a future member of the advisory committee. Would it be your advice that it be mandatory and that the municipalities simply be required to adopt such a sewer use bylaw, or would you leave it with some local autonomy?

Mr Zukovs: First off, as a general principle, I would say yes, there should be some mandatory program, not necessarily the 1989 bylaw, but some general program for sewer use management.

Secondly, as far as the local autonomy issue is concerned, that is an essential ingredient of that program, so we're not talking about central dictation of what exactly you're going to do in your program but rather fitting it to the local circumstances. So the answer is, briefly, yes.

Mr Mahoney: That's good.

I've noticed over the years that we can easily identify some of the major industries. In fact, in some of these data that have been done, whether it be a steel mill or whether it be pulp and paper—I wouldn't use the word "easy" because it's technically sophisticated, but it's easier to identify than in communities where you have an awful lot of small businesses who may be dealing in pollutants of one type or another, small chemical operations.

My community in Mississauga is a prime example, but many of the other members would have similar types of areas. One of the difficulties we have had over the years in my experience municipally was to trace the source of the pollutants. Something may bubble up or gurgle up downstream; in

fact, we had a mysterious white foam all over our streets and couldn't figure out where the heck it was coming from.

Have you had any experience in this regard or any recommendation, recognizing that there is substantial economic difficulty for these small businesses, on how the provincial government, MISA and the municipal sector can work together with the private sector, not to create an undue burden, yet obviously to make these policies effective?

Mr Zukovs: Let me answer in this way: As far as the smaller industries are concerned, first, there are some that have already been identified for which programs are moving and in place, either by the application of technologies or some education or some combination of regulation, education and technology. A good example is the photofinishing industry. Generally, you're talking smaller businesses that are operating and have the potential for discharging in their effluents significant toxics, things like silver and so on. There, that's been sort of a technological fix, coupled with, if you will, some education within the industry. There's just better boxes to treat the discharges now for photofinishers.

So that's one positive way we can address the thing. Gas stations are another one that I think have been looked at and regulated. Laundromats are another that have been looked at, and really nothing much has been done in that regard on the laundromat issue.

Mr Mahoney: Am I out of time? I just wonder if you've had a chance to read the auditor's report on the problems. It was in the 1992 annual report.

Mr Zukovs: Unfortunately, I haven't.

Mr Mahoney: Okay. I would have been interested in your comments. He's identified some implementation programs and the fact that there has been a change, by the current government, in the direction. Perhaps you'd want to have a look at that before commencing your activities.

Mr Zukovs: Yes, indeed.

The Acting Chair: Mr Zukovs, thank you very much for your attendance here today. The committee will be making its determination at day's end. We appreciate your attendance and your forthright responses. On behalf of the committee, thank you.

Mr Zukovs: Thank you very much.

CAROLINE BYFIELD

The Acting Chair: The second appointment, according to the clerk's schedule, is an appointment proposed for selection and review by the governing party, and it is for Ms Caroline Byfield for the Ontario Agricultural Museum Advisory Board. Ms Byfield is here today. Please come forward. Please feel comfortable and speak into the microphone. Did you want to make an opening comment? Then we'll proceed with some questions. You're comfortable; fine.

Mrs Caroline Byfield: I'm comfortable.

The Acting Chair: Then we'll proceed. Dr Frankford would like to begin.

Mr Robert Frankford (Scarborough East): Welcome. I've read your résumé here and you seem to have some very specific expertise which would seem to fit you very well for this position. I wonder if you read an article in the Toronto

Star yesterday about appointments to agencies, which was headed, "Need a Job? Try Government Board Game."

Mrs Byfield: No, I didn't read it.

Mr Frankford: It was, I think, very flip about these appointments, sort of saying they're just jobs. As I understand it, this board meets three times a year, so I don't think you're going to get rich.

I must confess that I've never been to the museum and that I've never given it any thought, but it seems to me that museums can be a collection of artefacts, but they can also be much more. They can give a sense of history and relate what's happened in the past to what happens today. I just wonder from, again, what I've just read here, not knowing this museum, to what extent the museum is doing that and also whether you would see some ways of emphasizing that more.

Mrs Byfield: I have not been involved with the agricultural museum until now. I have certainly been aware of programs that have gone on there, and of exhibits. For instance, last year the Canada Packers quilt exhibit was held there and drew people from all across Ontario to see it. I think things like that do make people aware and educate them and bring them to the museum.

Mr Frankford: To what extent is it more than just a collection of artefacts, but something, let's say, a living archive? Are there videos of people's memories of rural life and things like that?

Mrs Byfield: I'm sorry; I can't answer that. I've been there to exhibits, but I have not been there in the last two or three years.

Mr Frankford: Do you have any particular direction you would like to set if you're appointed to the board?

Mrs Byfield: I think education, starting right with school children and educating them about our rural past and making them aware of what is there and how they can learn about it.

Mr Frankford: Your background is in antiques.

Mrs Byfield: In antiques. I grew up on a farm in Bruce county and milked cows and did all those kinds of things growing up, although I live in the city now.

Mr Frankford: What is your opinion of the museum right now?

Mrs Byfield: I think it's a place I like to visit. I would encourage other people too and feel they could learn from going there, learn more about agriculture.

Mr Frankford: I certainly intend to go now that I know about it.

1040

Mr Waters: In looking through the documentation on the museum I noticed that it seems to offer an education program, but I think it's onsite. I was wondering, and one of the questions I would have is, do you feel the museum is in need of improvements and if so, what would they be?

Mrs Byfield: In need of—

Mr Waters: Improvements. Looking at it as they may do with Science North where they go out to the schools in the smaller communities, and take the museum to the communities so that maybe some of the children in rural Ontario understand a bit more about their heritage and where the

farming community has come from. I was wondering, basically, would you be, along those lines, in support of that type of thing or do you think it's—

Mrs Byfield: I think that would be a great thing to do, to start with school children and make them more aware of how important agriculture is.

Mr Waters: Do you see any other improvements that the museum should have? As you said, you haven't been there for a couple of years, but in your past knowledge of the museum, do you have any new ideas as to how, shall we say, to maybe bring up visitorship or heighten awareness of the museum?

Mrs Byfield: One area, I think, is large exhibits. I go back to this Canada Packers quilt exhibit, or large exhibits that draw from other museums, and have shows that bring people from other areas. Even though they've been to the museum before, it brings them back. So often people go to a museum once and say, "I've been there; I've seen it," and they never go back again. I mean, they're not against it but they just feel they've seen it, and I think that's an area that could improve. I say that coming from Kitchener, where we have a very active museum community, with exhibits continually changing and drawing people.

Mr Waters: That was one of the things I noticed in some of the notes I have, that you're also involved with another museum.

Mrs Byfield: I'm not now. I was at the time the résumé was prepared, but I am not now.

Mr Waters: Were you successful? That would be the question.

Mrs Byfield: Yes. I think I was.

Mr Waters: Okay. That's all.

Mr Bernard Grandmaître (Ottawa East): Tell us about your farming experience or experiences.

Mrs Byfield: I grew up on a family farm in Bruce county, on a 150-acre farm. I was the oldest child of seven and so was the first one, so I got to drive the tractor first and do all those kinds of things. We had milking cows, hens, a mixed farm. Many of my relatives still farm and I visit them.

Mr Grandmaître: Have you ever visited the museum?

Mrs Byfield: Yes.

Mr Grandmaître: What would you like to do as a new member of this board? What changes would you like to see?

Mrs Byfield: Before I could recommend changes I'd have to know the inner workings of—

Mr Grandmaître: But you visited the site and you do have experience, as you pointed out.

Mrs Byfield: But in just overall visiting a site, you really don't know the inner workings and can't come up with changes unless you know the inner workings and why things are being done that way. I would have to study these things before I come forth with wanting to make changes.

Mr Grandmaître: What got you interested? How did you get interested in becoming a member of this board? Did you apply or did you get a phone call or how did it come about?

Mrs Byfield: Well, it was very indirectly, three years ago, and if you read my résumé it led towards—I was asked to do appraisals at year-end for tax purposes. They were looking for someone to do this and they asked me to give them a résumé, so I did and I never heard any more about it, so I assumed they got somebody else. Then, just before Christmas, I got a phone call saying that my name had been put forth to be on the board. I was quite willing to do this but I had not actually applied to be on the board.

Mr Grandmaître: I see. You received a phone call from the ministry?

Mrs Byfield: Yes.

Mr Grandmaître: I see. You did receive a phone call from the ministry.

Mrs Byfield: Yes.

Mr Grandmaître: I see. Any other questions?

Mr Mahoney: Sure. With regard to the issue of change, I recall going to the museum when I was first elected here, so we're going back four and a half, almost five years. I'm sorry to admit I haven't been back. We have another member who admits he hasn't been there. You admit you haven't been there in two or three years. I look at the total of 74,000 people in attendance over the year. Is that enough? Are we getting out there? Are we promoting the heritage of agriculture properly, and if not, do you have any ideas on how we could or should?

Mrs Byfield: Obviously, we're not promoting it enough or we would have more visitors there. We're going to have to look at different ways to get visitors to go back. As I said, getting people to go back is the important thing, I think. For people to make one visit and then not go back is the usual.

Mr Mahoney: Is there any benefit, though, to dragging in people kicking and screaming, if that's what they're doing?

Mrs Byfield: No. They have to want to go, and they have to feel they've got something from it.

Mr Marchese: I can see Steve being pulled in.

Mr Mahoney: No, not that; God. I think it's a great place, actually. We had a wonderful tour and I'll never forget David Fleet's first experience at the south end of a north-bound cow. It was quite fascinating. We called him Farmer Fleet after that. But in seriousness, I did enjoy going there. I have spent some time on a farm, but I wouldn't say I grew up on one. I wonder what we might do to make it more attractive. Let me ask you this: Should the museum make money, should it break even or should it be subsidized by the taxpayer?

Mrs Byfield: I don't know any museums that make money. It would be great to say they should, but they don't make money, so they have to be subsidized in order to continue on. I think museums play a very important part in learning about our heritage and different areas, for instance, in learning agriculture in this particular museum.

Mr James J. Bradley (St Catharines): They should put this in Middlesex county, after that annexation.

Mr Mahoney: Always looking for a political shot somewhere there.

Mr Bradley: Not me.

Mr Mahoney: No, not Jim. Let me come at the underlying question or what I'm trying to get at directly. Why is it important that we even care about the heritage of agriculture in the province? Why do you think it's important?

Mrs Byfield: Agriculture was the mainstay of Ontario. The early settlers were mainly farmers.

Mr Grandmaître: They're fast disappearing, though.

Mrs Byfield: Fast disappearing, yes.

Mr Mahoney: Which is maybe why it's more important, because they're fast disappearing. Thanks very much.

The Acting Chair: We don't have museums to politicians, though.

Mr Grandmaître: Wax museums.

The Acting Chair: Wax museums, and you cannot tell the difference in true life and in posterity. Mr Arnott, on that note.

Mr Mahoney: Cam Jackson in Niagara Falls right beside the Queen.

Mr Arnott: Thank you, Mrs Byfield, for coming in today to submit yourself to these questions. Coming from a rural riding and a rural background myself, I agree with you that the heritage of rural Ontario has to be fostered and preserved and that this information has to be out for everybody. I think one of our fundamental problems in rural Ontario is that many in urban Ontario don't really understand rural life, and I think this is an important part of it. You've indicated that this museum should play an important part in that, and I certainly agree with that. How can we get more people from urban Ontario to come out to a place like this?

Mrs Byfield: I keep going back to exhibits. Things that draw me back to museums or pioneer villages are where they have pioneer days and certain activities are taking place, for instance, threshing or harvesting, that city people aren't used to seeing and would like to see how it was done. These activities draw people back. Even though they may have been to the site before, they will go back for special events.

1050

Mr Arnott: So it's most worthwhile, I think, to encourage school groups to come into museums such as this one, and I would think it would be most worthwhile to encourage many of the urban children to come in, many of whom have not seen the south end of a northbound cow until they're elected to the Legislature perhaps. Have you got any ideas as to a number of ways that we could approach that so that we could get more urban kids to come to see the museum?

Mrs Byfield: That would have to be done through school boards in encouraging them to make these trips to a place like Milton.

Mr Arnott: You indicated in your letter that you did some work for the Wellington County Museum, the fine museum we have in Wellington. Could you explain to me what exactly it was in terms of appraisals that you were doing?

Mrs Byfield: I was doing year-end appraisals of donations that people had given, and this was for tax purposes.

Mr Arnott: So when an artefact is donated to the museum there's an appraisal done by—

Mrs Byfield: An appraisal done and these people are given a tax receipt for this amount.

Mr Arnott: Okay. Thank you very much.

Mr Carr: I just have a couple of questions. I notice here you've been an active board member of the Waterloo Regional Heritage Foundation. In terms of your work with the foundation, what would you say are some of the things you accomplished as a group there? What are some of the things you've done and how do you think you can apply them to this position that's coming up?

Mrs Byfield: The Waterloo Regional Heritage Foundation is a funding branch of the Waterloo region, and we funded different projects that we felt were worthy within the community; for instance, someone publishing a book on a local subject. We also sponsored heritage day events where we paid for the advertisement and the rooms these things were held in so that smaller groups that didn't have any money could put on displays to make the public more aware of heritage in Waterloo county.

Mr Carr: How successful do you think you were with the endeavours as a group?

Mrs Byfield: Between the time I started on the board till the time I left, about a six-year period, there was a great deal of difference between the visibility in the community, and making people aware of heritage and people willing to do things to promote heritage in the community.

Mr Carr: I notice here you said that you made some of the donations to some of the museums. What exactly would it have been that you were donating?

Mrs Byfield: I donated textiles to the Joseph Schneider Haus. To Doon Crossroads, which is just down the road from us, I donated cutlery appropriate to a certain building, paper artefacts that were appropriate to the time period of Doon Crossroads. There have been numerous things over the years. Right now I'm trying to think of what they are.

Mr Carr: Without getting too personal, you're mentioning here you're an antique dealer. How are the antique dealers doing in the province of Ontario today, would you say?

Mrs Byfield: Well, they're like everything else. Business is down, but if you work very hard at it you can still make a living.

Mr Carr: Are there more people getting into that or fewer or are they dropping off? What's happening?

Mrs Byfield: Some dropping off and then others, who think that it's an easy way to make a living and are out of work, are trying it. The numbers are probably about the same, although it has changed at both ends.

Mr Carr: Okay, good. Thank you very much.

The Acting Chair: Are there any other questions? We do have a little bit of time left if there are any other committee members who—Mr Cooper.

Mr Mike Cooper (Kitchener-Wilmot): Good morning. It's good to see you here. I'm aware of most of the facilities you've worked at or have been involved with in the Waterloo region and you've done an excellent job out there. The one issue that comes to mind right now is, there's an old pumper fire truck at Doon Heritage Crossroads and basically it's just

sinking into the mud because there's no money to restore it. Is there anything like that at the Ontario Agricultural Museum? Do you know, or would they accept anything like that?

Mrs Byfield: I don't know. I know that right now within museums there is quite a bit of trading going back and forth with things like you're saying. "I can't use it at my museum, but can you use it at yours?" I know that is going on, but I don't know whether—

Mr Cooper: So during the tough economic times right now, where there isn't money to restore a lot of these things, would you still be accepting them?

Mrs Byfield: The museums aren't accepting things unless they absolutely fit into their own mandate and they can afford to look after them—the museums that I'm involved with, anyway, or have been involved with.

Mr Waters: Places like Joseph Schneider Haus in Kitchener and Doon Heritage Crossroads are pretty well right in the city, so the schools have been playing a very active role. I know with the Ontario Agricultural Museum they say they rely heavily on students. With the cutbacks in educational funding right now, is this going to continue, do you think, being as it's more out of town and schools are cutting back on road trips? Do you think this may affect the attendance there?

Mrs Byfield: It probably will affect that, school trips.

Mr Waters: How would you respond to that to keep the attendance up there?

Mrs Byfield: I feel that's an area that shouldn't be cut back, but I don't have any say in that.

Mr Waters: Right. So do you think by bringing in more special events, that might make it more viable, to keep the attendance up? Do you think that might be the way to go?

Mrs Byfield: I think that special events would. Special events often do break even in that they charge admission and have many people going and they sell food and things like that, so that they do break even.

Mr Waters: Okay. Thank you very much.

The Acting Chair: If there are no other questions by committee members, Mrs Byfield, I want to thank you for coming today. The committee will make its determination at day's end. Did you have any closing comment you wanted to share with the committee?

Mrs Byfield: I don't think so. I would be pleased to be on the board, but that's up to you people.

The Acting Chair: Thank you very much for your attendance today, on behalf of the committee.

We do not have our next deputant and we are two minutes before the hour, so I will call a five-minute adjournment. The committee has a five-minute adjournment.

The committee recessed at 1058 and resumed at 1101.

DONNA MANN

The Acting Chair: I'd like to reconvene the standing committee on government agencies. Our third intended appointee has arrived. I'd like to invite Donna Mann to the table. Welcome. Please be seated. The microphone in front of you is required because these hearings are recorded for the purposes of Instant Hansard.

Ms Mann, would you like to make a brief opening statement? Then we'll proceed in rotation with our questions.

Rev Donna Mann: I'm happy to be here. I look forward to your questions and I hope that I can give to you an idea of who I am, what I'm about, my interests, the things I'm concerned about and how I might be helpful in such a committee as I've been approached to be a part of.

The Acting Chair: Very good. Thank you and welcome. Since this was a third-party review, I believe we'll begin with Mr Carr.

Mr Carr: I appreciate the opportunity to ask you a few questions. As you know, the province right now has some problems in dealing with police forces right across this province. Maybe you could just give us an assessment of what you see happening in the province with police forces and some idea of what you think could be done to improve the relationship that is probably soured to the point that I think it's the worst it's ever been in our history. What do you think is the cause and what do you think can be done about it? Start with the easy questions first.

Rev Ms Mann: On the first part, "What do you think is the cause?" I couldn't answer that, I'm sure, to your satisfaction. I think it's not an easy job to be a police officer and it's not a safe country any more the way it used to be. If it ever was, it certainly is not the same. I feel confident that police forces do everything they can to relate to the people, but I could not answer what is the cause. What was the second part of your question?

Mr Carr: The solution, if there's anything that can be done to improve it.

Rev Ms Mann: Continue to work together, continue to talk, to listen, to negotiate, to hear all parties.

Mr Carr: How did you find out about this position? How did you come about being interested?

Rev Ms Mann: My name was put forth by someone in the town, as I understand it.

Mr Carr: Who was that, somebody in council? Do you know who it was?

Rev Ms Mann: Judy Gray, the clerk-secretary of council.

Mr Carr: Did you have any political affiliation at all?

Rev Ms Mann: Not really, not actively. I exercise my right to vote, but I'm not in any party in particular, in a voice or opinion.

Mr Carr: How did you become interested in this position? Did you voice some concern or did somebody just say that you seemed to have a lot of talent that we should put to use? How did it come about? Did you have a specific interest in this?

Rev Ms Mann: I suspect it's because I've been vocal in the town through articles in the paper or because I am clergy in the town. We have a clergy column that we all take turns writing, and I suspect that my concern for people has come out in that. I've been involved in arranging some education, in the town, for violence in the home and teenagers on the street and things like that.

Mr Carr: Right now, looking at the Durham police, how would you assess how well they've done in terms of the

board? How would you assess the board in its responsibilities? How well has it done?

Rev Ms Mann: As I understand, there's a good relationship between the board, the force and the town. I have not heard anything derogatory about that. I think the work—education—in the schools is what I notice foremost, also communication on the street, willingness to inform and to answer questions from both the board and the police force together. I see some continuity and some consistency there.

Mr Carr: You mentioned a couple of the articles that you'd written that some people may have seen and realized you had some interest. How would you assess those articles? Were they critical of the police? Were they supportive of the police? How would you sort of sum them up?

Rev Ms Mann: They wouldn't have been towards the police at all. The two articles that I wrote were asking for zero tolerance to violence, and that was just a term we've been using in Grey county because we have a lot of violence in the home.

Mr Carr: One of the concerns that I have with the police across this province is that, as you know, crime is on the rise dramatically. They're facing more difficult situations. I was a critic for the Solicitor General and spent some time out with the Metro police up in 31 Division as well as the Halton police force. I would suggest that if you get a chance to do that, ride along with the police to see exactly what the men and women are facing. I think it's a good way to get into it.

Having done that, I think most people in this province see the escalation in crime and see that this province is focused on things—for example, the regulations on police—that they're focusing on the police at a time when we have a rise in crime, and what we should be doing is assisting the police to stop the rising crime, the violence in the home, the murders, the robberies and so on. Would you like to see us focus more on the criminal element or do you think we should be taking a look at the police and what they're doing and giving them more restrictions in how they operate? Which would be your main focus?

Rev Ms Mann: They're both important. I think they both need to be reminded of the balance that has to be kept. As you will know from my résumé, I have a son who is a police officer and I realize the tension and the stress, the sensitivity that he has to exercise. I also see the support he gets, as I read in the paper and so forth, that there's support and education for the force.

The other side of that is to keep informing the community about its responsibility to the force and the force's responsibility and accountability to it. In our community, the police statistics are put in the paper: how many calls are domestic calls or traffic violations and so forth. The people are on to that. They watch for that and they're concerned about that. So from the public's point of view and from the force's point of view, there's a good balance there.

1110

Mr Carr: Just one last quick one. What force is David with?

Rev Ms Mann: Waterloo regional.

Mr Carr: Waterloo region, okay.

Mr Arnott: Thank you and good morning, Reverend Mann. It's a pleasure to meet you. I have a couple of questions. Coming from an area adjacent to yours, in Wellington, policing in a small-town atmosphere is certainly different than policing in the city. I think one of the main issues in rural Ontario with respect to policing is the cost of policing as opposed to some of the other issues that seem to dominate the public's attention in Toronto, for example.

The composition of the Durham board, I assume, is probably three provincial appointees and two municipal appointees. Is that correct?

Rev Ms Mann: I'm not sure of that.

Mr Mahoney: It's two and one.

Mr Arnott: Two and one. Do you think that's a fair way to compose a board? I guess what I'm getting at is that a lot of the cost of policing in a small town is borne by the local taxpayers, often with a very small tax base upon which to do that responsibility, and policing is a very, very expensive responsibility of the local government. There's been a concern expressed to me on a number of occasions by municipal officials in small towns that they should have more control over the bottom-line budget of the policing function.

Rev Ms Mann: At the town councilship?

Mr Arnott: Yes. I guess when the police services boards were set up, some of the power that was there was devolved to the board. Do you have any views on that particular issue? Is it satisfactory the way it is?

Rev Ms Mann: I sit on the library board in town, and the council does have the bottom line with the library board. I've heard it said at those meetings that they don't have the same right with the police officers. It's not that these people were saying that they should, but I right away got a feeling that it was sort of beyond and over—it sort of bypassed the town. I myself don't find fault with that. I think sometimes we need to be accountable to a larger body outside of who we are as a town.

Mr Arnott: Secondly, I wanted to ask you about the issue of political activity of police officers themselves. There was an announcement made by the Solicitor General, I guess. On October 3, 1991, the Solicitor General, Mr Pilkey, announced that there were going to be increased opportunities for police to engage in political activity.

It's very ironic that at the same time, about the same week, I received a call from a municipal councillor in the village of Drayton who was sitting as a municipal councillor, had served a three-year term, and also was a member of the Waterloo Regional Police Force as his full-time job. Now, in the small town of Drayton, a councillor's job is very much part-time, but he found that because of the Solicitor General's recent initiative—a different initiative—he was denied the opportunity to run for municipal council. At the same time the minister was taking credit for expanding the opportunities for political involvement by police officers, the direct opposite was happening to this individual.

Do you think that police officers should be given the opportunity to run for municipal council in small towns? I think they should.

Rev Ms Mann: I think a police officer in a small town is really scrutinized and is very carefully watched, as is any person in leadership in a small town. I would think they would need to be very careful not to be taking a particular stand politically, but I'm not sure about that.

Mr Arnott: So you generally have some concerns, I guess, about political involvement by police officers. Is that what you're saying?

Rev Ms Mann: I would say they need to represent the people across the town rather than putting their own opinion foremost. They can have an opinion or have a stand, but—

Mr Arnott: Okay, that's fine. Thank you very much.

Mr Cooper: It's a pleasure to have you here this morning. I have a couple of things. With the Solicitor General taking the stand now on employment equity, I understand with the very small force that you have in the town of Durham, what the Solicitor General is asking is that you have representatives from women, minorities, native people and the disabled. I understand none of them is represented right now on the police force there. Do you have any idea how that could be implemented on such a small force?

Rev Ms Mann: My understanding is that there have been two women in auxiliary positions there in the past. I don't know how far back that has been. That tells me there's an openness for that to happen. If you look at the community to see what would be a fair representation of the community, men and women would probably be a fair representation. We don't have a native population, or a black, or an Oriental, so the men/women would be a fair equity if you take a representative of the community.

Mr Cooper: I know one of the issues that's come up locally in Waterloo region is the question of hiring disabled police officers. Right now the ministry's pretty well leaving it open as to what the description of a disabled person is. Could you think of any possibility where a disabled person could be a full-time constable?

Rev Ms Mann: I think there must be tasks to do other than ones that would be on the walk. If the person is disabled where they would be in a wheelchair or in a particular seat, whether they were wheeled into it or they walked with a cane, I would think there are lots of positions they could fill without having to walk a beat on a street. I would not be averse to seeing a physically handicapped person doing some police work.

Mr Cooper: The point is, some handicaps aren't totally visible and some of these people, if it's a controlled disability, could possibly be full-time constables. Would you be open to suggestions like that?

Rev Ms Mann: I would be open to suggestions like that. I wouldn't have the answer to how they might best work.

Mr Cooper: I know that's a difficult question. The next thing is on the use of force and the reports. Do they file reports right now in the town of Durham?

Rev Ms Mann: There is accountability. I don't know how that happens, how the forms are made out or to what extent, how many copies or anything. I've not asked that question.

Mr Cooper: The question now is: Do you agree with the position the Solicitor General is taking where these reports can be used to better train the officers?

Rev Ms Mann: I have no problem with that.

Mr Cooper: The next one I'd like to talk about is community policing. I'm not totally familiar with the town of Durham. Do you know what kind of direction they're taking on this issue?

Rev Ms Mann: They have a 24-hour police service in the town. They're very much in touch with the community. You can find them at any community setting. Is that the kind of answer you're—

Mr Cooper: Sort of like that. It's more outreach where they're more in contact with the public and things like Neighbourhood Watch and going to schools.

Rev Ms Mann: They go into the schools.

Mr Cooper: Do you promote that direction the Solicitor General has taken?

Rev Ms Mann: Yes.

Mr Cooper: All right. Thank you very much.

Mr Frankford: You heard a simplistic statement from opposite that crime rates are rising, which is rather puzzling since the number of murders in Metro Toronto declined 28% last year. I can give an example of figures from my riding of Scarborough East that crime in Metro Housing has declined. Do you have any figures on the crime rate trends in your area?

Rev Ms Mann: Because I'm interested in the domestic violence that happens in Grey county, I know those figures are up. They're up for our area. Teenage suicide, for instance: That kind of self-inflicted violence is up.

Mr Frankford: Do you know how much?

Rev Ms Mann: No, I can't give you a percentage on that.

Mr Frankford: One of the things that has to be borne in mind is comparable methodology. Crime figures may go up because there is more interest in a particular problem. It doesn't necessarily mean that patterns have changed, as the oversimplifying critics often pick up on.

1120

Mr Waters: You were talking about small-town Ontario, and that's where I'm from. I used to work with family violence before becoming an MPP, more actively than now. What we found was that stats were never kept, historically, and it was difficult to get stats.

I agree with you that family violence is on an increase. Unfortunately, when times are tough and dollars get tight, violence in the home seems to come to the forefront, and I would agree with that. But I would ask, about community involvement and more interaction between the community in general in a small town and police, do you think there's enough of it? I know that at one time we had town police. We now don't have that in our communities. We have the OPP and we seem to have lost the community involvement with the police. I was just wondering if you find the same thing.

Rev Ms Mann: I like to see the police officer walk down the street in our town, and I like to see the car at 11:30 at night go around the corner when I know there's a bunch of kids gathering. The community involvement, to me, is really

important, and for them to be visible at different areas of concern that are held within the town.

Mr Waters: You led to my next question, which was the police car going around and the young members of our communities. One of the things I'm finding in Muskoka in particular, and our community police officers are finding the same thing and are trying to work with the young people, is that we're having difficulty with our communities arranging things for young people.

When I grew up, there were at least a couple of restaurants that were open through the evening where the kids would gather, and there was a jukebox and things like that. There's none of that any more. It appears in large communities you have the Y and you have other programs that are paid for by the community. But what I'm finding in small-town Ontario is that unless there's a profit to be made, either by the community, or by the town, or a fee for use, or by private business, there's nothing for our children to do, and we're finding, I believe, a definite increase in property damage.

Rev Ms Mann: We have a doughnut shop that's open all night and they can go in there out of the cold, and there are teenage dances once a month at which the police officers are around and talking to the kids and so forth. We don't have a lot, but we do have those two things. The churches provide some, but unfortunately are not always able to reach the young people who really need to be reached, which is unfortunate. But there are some things we have in the town that are positive for the young people.

Mr Waters: I guess I look at it that one way of keeping the cost of policing down is that if we maybe invest our dollars elsewhere to keep the crime rate down, we could assist them in some way in small towns, because I think that in most of small-town Ontario it's pretty much property crime or vandalism on the streets.

Rev Ms Mann: And as a result of drugs and alcohol. There's a lot of that in small towns.

Mr Waters: Yes. I would agree with you on that.

Rev Ms Mann: Rural areas, long lanes, isolated.

Mr Grandmaître: How would you describe your police force?

Rev Ms Mann: Caring and friendly and aware.

Mr Grandmaître: So you think they're doing an adequate job, or a good job?

Rev Ms Mann: Yes. I'm new to this, even thinking of this and judging them in that way, but in the last two or three months I must admit I've been taking a closer look. Since I've been looking at this committee, I've been taking a closer look at their involvement and their activity and at them as individuals.

Mr Grandmaître: Maybe I should follow my list of questions. What are the most repeated crimes in your community?

Rev Ms Mann: Domestic.

Mr Grandmaître: Domestic. How do you think the police—not the police services board, but the police chief and the rest of his crew, four people, I think; four full-time and one part-time—are responding? How are they communicating to those families? Are they doing a good job?

Rev Ms Mann: Just to back up a little bit to answer your question, we have started a support group in the town, a support group for women who might find themselves in conflicting situations at home, and what I've heard from them over the past couple of years is that the police have been very helpful to them. That's just come out in conversation.

Mr Grandmaître: Some larger police forces have social workers assisting the police services board or the police chief to respond to those needs. Do you think your board could hire such a social worker?

Rev Ms Mann: I don't know that.

Mr Grandmaître: Do you think it would help?

Rev Ms Mann: I think it would help, but also on the other side of that I think of the cost factor.

Mr Grandmaître: I'm sorry?

Rev Ms Mann: I think of the cost factor.

Mr Grandmaître: Yes. At your present budget of \$305,000, are people complaining about the cost of policing?

Rev Ms Mann: No. I have not heard that.

Mr Grandmaître: What's the total budget of your municipality or community?

Rev Ms Mann: I couldn't tell you that.

Mr Grandmaître: Steve?

Mr Mahoney: Go ahead, Jim.

Mr Bradley: I have some questions here that I missed. Do you believe in the Charter of Rights and Freedoms of Canada? Are you a supporter of the Charter of Rights and Freedoms?

Rev Ms Mann: I have not read it lately, to be honest with you, but I would say yes.

Mr Bradley: Do you believe, then, that the police officers who are refusing to answer questions of the investigators from the special investigations units are correct in saying that they should not have to answer questions because their rights are being violated under the Charter of Rights and Freedoms?

Rev Ms Mann: I think we all have to be accountable to someone, someplace, some time, and someone has to put that process into place. I don't know what else to say about that.

Mr Bradley: I was listening to Mr Cooper's questions, and was I correct in assuming that you believe the police should have to file a report every time they pull their guns?

Rev Ms Mann: I know that's a conflicting issue and I liken it to my experience as a nurse. We were always asked to document so much as an aspirin. You say, "Well, I can take an aspirin at home and it doesn't hurt," but there was always someone who wanted to know exactly how many aspirins were given. I just liken it to that.

I, myself, have no problem with documenting or being accountable, and I have told that to other police officers. I know a few. We've had discussions about that. I concede some of their stories where they have a lot of paperwork, where they're working under the stress of the moment, but myself, I have no problem with accountability.

Mr Bradley: The feeling in my community, if I may reflect the majority feeling in my community, is that the police are attempting to fight increasing crime in the province of

Ontario rather than decreasing—the statistics would show an increase—and that the tools the police officers have to fight crime in fact are being taken out of their hands. How would you deal with this matter when faced with these complaints by police to your commission?

Rev Ms Mann: My personal opinion is that they should be able to have what they need to be able to do their work. If a gun is part of that—is that your question, whether they should be able to have a gun?

Mr Bradley: I think generally the police are being more restricted in what they can do to fight crime. Their feeling, at least, is that they're being more restricted in what they can do to fight crime in their communities.

If we speak to our general population, one of the complaints we get as politicians is that we never reflect what the majority feels out there. We perhaps reject what some very noisy people will tell us is happening, but the public out there is totally frustrated. When I speak to organizations and so on—I try to be moderate and defensive of government positions, believe it or not, when I believe those positions are correct—I constantly get hounded by people saying that we're taking the tools away from the police, that we're constantly listening to people who are anti-police, and that the public would like the police to have the tools to fight crime.

Rev Ms Mann: I would agree with that.

The Acting Chair: Last question, Mr Bradley.

Mr Bradley: The last question is on violence; family violence I guess is the general term we use. What mandate would you give to police officers within your community? I see the people in the background who work for the government rolling their eyes and smiling. You'll find, back there, that that is not a wise thing to be doing in the committee, this constant roaring at what members of the Legislature have to say, from people who are not elected and who sit there and advise government members. I think you members should take control of that.

The Acting Chair: For a final question; we're deviating fairly substantively.

Mr Bradley: Okay. Marital violence: What mandate would you give to officers within your community, as a member of the police commission, to deal with issues where men

in a spousal circumstance have perpetrated violence upon women and the women refuse to press charges? What mandate would you give to the local police force in those cases?

Rev Ms Mann: Not to give up on any particular situation; if it's been a recurring event where the charges have been dropped, not to just say, "Well, I know that's going to happen again," but never to give up, to continue to give the circumstance priority attention as if it was the first time. I'm aware we have that situation where someone, usually the wife, will drop the charge. After the police officer's spent all day in Walkerton court, she doesn't show up to continue. Usually, that's out of fear on her part. There's a whole lot of dynamics there that have entered in because of their relationship.

Whoever asked that question about the social worker or that other party who might be able to spend the time in relational dynamics would be very effective for that. But there again there's the cost factor. I can't see that happening right away.

Mr Bradley: Thank you. That's a good answer.

The Acting Chair: Thank you very much, Ms Mann. As the Chair of the committee, I appreciate your hitting on that fine point about victims' services as a necessary adjunct and support to active police work and the police board's concerns in this area. Do you have any closing statements you'd like to share with the committee?

Rev Ms Mann: I'm wondering why there aren't some other women here asking questions.

Mr Waters: There is normally one woman on our side of the table who isn't here this week. It's just that in the interim—

The Acting Chair: I thank you for your question, but we have a regular series of members of the committee and we also have substitutions, and there are extensive substitutions to this committee today; I the Chair am as well.

Thank you very much for your attendance today. I appreciated and found your interview very interesting. I wish you well. This committee will be making its final determination at day's end and the clerk will notify you accordingly.

This committee now stands adjourned until 2 of the clock, and I would ask the subcommittee to remain for a brief meeting.

The committee recessed at 1135.

AFTERNOON SITTING

The committee resumed at 1406.

BETTY WALSH

The Acting Chair: I'd like to call to order the standing committee on government agencies. At this point I'd like to call forward Ms Betty Walsh, intended appointee as a member of the Education Relations Commission and the College Relations Commission. Welcome, Ms Walsh. Please take a seat and feel comfortable. The microphone is there so that your comments and any questions can be recorded on Hansard. Do you have an opening statement you'd like to make before we begin with questioning?

Ms Betty Walsh: I'm excited to be here. I'm looking forward to this appointment, if it's your wish. I guess I'm in a state of mild anxiety, which is what you would approach an examination with, but I'm looking forward to your questions.

The Acting Chair: We're one of the rather tame committees; at least, we're going to be today under me as Chair.

Mr Marchese: Jim Bradley's not here.

The Acting Chair: Now, now, now, we'll keep personalities out of it.

Since your appointment was asked to be reviewed by the governing party, we will commence with questions from it.

Mr Waters: Right off the bat, I guess what we should ask is why you chose to serve on this particular commission, your interests, your background and what you feel you would bring to the board.

Ms Walsh: I have been associated with the School Boards and Teachers Collective Negotiations Act and the ERC, which administers it, since 1975 when I was teaching in Pembroke for the Renfrew county board. The secondary school teachers of Renfrew county asked me to conduct the bargaining for them, to be their paid employee, as a matter of fact. I was given time off to do this. We chose final offer selection under the act. It was the first time it was done. We learned a lot through the ERC, which was very helpful, about being employees in Ontario. I think this has continued to happen throughout the course of the bill being administered by the ERC. The rights and responsibilities of both employers and employees and what a grievance was, what bad faith is, all these things became defined and the relationships became better. I have therefore had a lot of experience with the commission and with the act, and I've had a lot of experience, in different ways, with bad faith bargaining and all the other things.

I am very impressed with the legislation. It was, when it came out, a model of labour legislation. As I say, it's taught all the parties a lot. I've been very impressed with the commission itself and with its employees and agents. They have really taken the spirit of this legislation, which is to provide harmonious relations between the parties, and have trained people to assist who've been excellent and helpful, not bullying or anything. They have had fact-finders who have been scrupulously fair. They have noted when parties are getting in trouble, and that has been a very important part of their job, to see that things were going badly because of the length of

negotiations, the number of people to assist coming in, the number of maybe silly charges against one another. They have instituted the same thing as the labour relations board has done, relationships by objectives, in which the parties have learned how to defuse some of the anger they have towards one another, to stop polarizing situations and to work together in a better way. So I feel I've got a lot to bring to it.

I did my master's degree in England six years ago at the London School of Economics. At that time I chose for my dissertation teacher bargaining in England and Wales, so I was able to make a comparison between the horrendous bargaining situation they had with teachers there, and their contracts and everything else, and what we have in Ontario. I was really proud to be part of a system that worked things out in such a civilized fashion.

Mr Waters: Is there anything about you that would give any party legitimate cause to perceive that you would not approach this appointment with neutrality? Looking back in your résumé, you obviously come from one side.

Ms Walsh: I come from one side, yes, that's true. I would expect that I would be able, in the confidence of the commission, to suggest why one side had a point of view that wasn't understood, maybe, by the rest of the people there, and I think that would be very valuable. I have agreed to the conflict-of-interest guidelines and I understand the position of the commission to be absolutely neutral on all things; therefore, I wouldn't have agreed to this job if I couldn't feel I have that capability. I think that's very important. I'm a person who believes in compromise, in any case.

But I could say what is not on my résumé, that for the past nearly two years I have been working with boards in the native community. I'm a volunteer consultant with CESO, the Canadian Executive Service Organization. They called me in first to give advice to a native band council, on Walpole Island, down by Lake St Clair, where they had fired the agents. The teachers had been loosely represented by the Public Service Alliance of Canada, and when the band took over, that union dropped out. The teachers sought certification under the Canada Labour Code. The band felt it had lost face by the fact that the teachers had asked for a union but, you see, the band had summarily fired the principal, so what happened was understandable.

So I went in there and said, "I'm not going to negotiate for you, but I'm going to look at the items on the table and I'm going to make some suggestions." I looked at their budget. I found that after they had fired the principal they were being so nice to everybody that anybody could get a day off if his neighbour's roof had a shingle off it. I said, "You're being too nice."

I really was able to get on their side, so much so that when I finished a day's workshop with the council, they asked me to be director of education. They really did. I said, "I'm not qualified to be a principal, let alone that," but they said they'd shortlisted twice and they didn't find anybody they felt they could trust the way they could trust me, because I'd been very open with them.

In fact, they settled very shortly after. It was settled quickly, because once I got the application for certification, I realized that a conciliation officer would be in quite quickly and that they would be in trouble.

The Acting Chair: Mr Marchese.

Mr Marchese: Betty, as a first question, out of interest, who put forth your nomination to the Education Relations Commission?

Ms Walsh: The Ontario Teachers' Federation.

Mr Marchese: Given your background, I'm sure you've had a lot of positive and perhaps negative experiences with the Education Relations Commission. Out of that, as a context, would you say there are some failings or shortcomings of the Education Relations Commission and/or, as a result, would you empower it differently if you had it your way?

Ms Walsh: There have maybe been one or two people in the past whom the affiliates found difficult to deal with, but they didn't stay around very long. Certainly they wouldn't stay around very long as mediators because the parties would just say they would prefer somebody else. So that works out quite quickly.

The act itself—you're not asking me about the act; you're asking me about the commission.

Mr Marchese: About the commission. But presumably it relates very much to the act, because you'd have to change the act.

Ms Walsh: The commission has to administer the act, and the commission may have had some difficulties because of minor omissions from the act about which it had to seek clarification through the labour relations board, because there were attempts to bargain for people who were at the beginning not covered by the act, like continuing education teachers and psychologists with teaching certificates and things like that.

The commission did its job beautifully in both of those cases by going to the Statutory Powers Procedure Act where necessary and to the Labour Relations Act and getting them to make decisions about these.

I really have no fault to find with anybody at the commission. I've always got along very well. Their data collecting has always been a marvel, and most of the parties are on line with their computers. It has saved so much bad feeling when both parties have access to the same stats. It's a very good service.

Mr Marchese: Let me ask you one further question at this time. In reading some of the research, I read this: "Over 70% of all collective agreements negotiated under the terms of the act have not been settled until after contract expiry on August 31 and the Education Relations Commission has been called in. This is a high percentage compared to other collective bargaining regimes elsewhere in the government and in the private sector." What is your reaction to such a comment?

Ms Walsh: Well, it's true. The act says that the parties, if they want to renew or amend the agreement, must give notice to the other party in January of the year in which the agreement expires and they must meet within a month. For most places, the meeting within the month is just informal, something to meet the requirements of the act. There isn't much

serious bargaining done until later, partly because the statistics on the cost of living aren't out, and other settlements. There's a tendency maybe to wait a bit to see what's happening in the whole sector. It's just slow. The boards are very busy people and it's sometimes difficult to get a meeting. They haven't set their—I don't lay blame on either party.

Mr Marchese: That's the point I'm asking, Betty. Given the fact that it takes so long to come to some agreement, usually involving a third party, is there something that you think should be done in order to perhaps reduce that long, long negotiating period?

Ms Walsh: I don't think it worries the parties. I really don't. I think it has become maybe a bad habit that this is what they're doing. Very, very seldom, unless it's a multiple-year collective agreement, do they start the year with an agreement. So that's just the way it is. I think both sides drag their feet a little bit, although the teachers really do try to come out with a—and the affiliate people who work with them say: "Get a position ready by March anyway. We want to see it. We want to look at it and give you some advice about the wording."

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Mr Mahoney: Ms Walsh, I wouldn't question your credentials at all; I think they're quite extensive. What I would question is, do you think we need this commission?

Ms Walsh: Definitely.

Mr Mahoney: Can you tell me why?

Ms Walsh: You mean, rather than this, have it taken over by the Ontario Labour Relations Board?

Mr Mahoney: Perhaps let me help with some additional comments. There are comments made by some folks that would seem to be critical of the commission. I wonder, if the negotiations don't take place seriously until certain referrals and issues are sent there, what kind of teeth the commission actually has. If you get to the stage as a commission where you determine in a strike that the students' year is in jeopardy, you can inform the government of such, but there are no real teeth, no recommendation; the commission does not recommend that a strike be ended. I wonder if this is just not a little bit of bureaucracy in the middle between the two parties trying to negotiate a deal.

I wonder, more important than my thoughts on it, what your thoughts are going to be as a person who—while I respect your statements in the beginning of some concern about your appointment, I'm sure you know that the appointment will be ratified and we're going through a process to put certain comments and thoughts on the record, I guess, from both us and from you. That's just life. But I wonder if this commission is a level of bureaucracy that's unnecessary. Do you have any comments on that?

Ms Walsh: To go back to your first observation about teeth, the commission, as I see it, is not to go around—its purpose is to provide harmonious relationships, and teeth aren't in it. What is in it is assistance, information, qualified people; if there is something with respect to, for instance, the problem I mentioned before about the summer school teachers and the continuing—

Mr Mahoney: I'm sorry, the problem what?

Ms Walsh: Continuing education teachers, summer school, night school teachers, who were not envisaged as being part of bargaining. That's brought back to people like you. The commission sees that there is a problem, an omission, and it says it's up to the Legislature to correct that. What has happened here is that when the parties appear to be having difficulty and the commission helps them—provides people to assist, provides information—the records show that that help has defused very explosive situations which would have ended in strike, which would have ended in jeopardy. Therefore, they've done a terrific job.

One workshop, on relationships by objectives, has put out a monograph which proves that in the future they'll need fewer fact-finders, fewer mediators, fewer arbitrators and fewer strikes. So it's not an interfering body; it's a body that monitors. Its duties under the act are not to have teeth, is my understanding.

Mr Mahoney: To go back, Mr Marchese made the point that over 70% of all collective agreements negotiated have not been settled until after expiry of the contract. If you're talking about a commission that would, and presumably does, help to avoid the confrontation of a strike, would it make any sense to have that commission involved earlier or in a broader scope so that contracts indeed are settled before August 31?

Ms Walsh: There is that possibility that they can do that.

Mr Mahoney: Do you see a mandate for them? I don't see a mandate for them to do that here. If there is a mandate, I don't think they've been successful up till now.

Ms Walsh: No. It's at the request of both of the parties prior to the expiry of the collective agreement. So that is their mandate and they do not interfere—although, for instance, the bad strike in Carleton, they have already arranged for workshops between the parties to set goals and do some problem-solving.

Mr Mahoney: If indeed we were in the midst of a major strike, a lengthy strike, by teachers, do you have any qualms in saying publicly, as a member of the commission, that you believe this strike is now, at this point in time, jeopardizing the education of the students?

Ms Walsh: I'm not sure, but I think it would be inappropriate for me as a member of the commission to make any private statement whatsoever.

Mr Mahoney: As a member of the commission, if the commission were to advise the government, which is my understanding—I've lost where it was but in this report it states that it is the commission's job to advise the government when the point in time arrives when students' education is now in jeopardy. You would be a member of that commission. Would you have any qualms in standing behind a statement of that commission that said that students' education was at this point in time in jeopardy as a result of the strike?

Ms Walsh: I want to make sure that I understand your question. If you're asking me, would I agree to a resolution—I think that the act says that this has to be by resolution—would I be part of the positive vote in a resolution to declare jeopardy, that's one thing; if I would make a public announcement, I wouldn't, but I would be part of a resolution

under certain circumstances. But the circumstances in which jeopardy is declared are different in every case.

Mr Mahoney: Of course, and I respect the fact that the question is hypothetical. This really goes back, in essence, to a similar question that was asked earlier about any potential bias that you may have, and it's our job to ask you if you have any bias or see any bias. According to the report I have in front of me, it states in it, "The commission monitors the progress of a strike and is required to determine when the continuance of a strike, lockout and school closing will jeopardize the students' successful completion of their year." Presumably that's the measuring stick that you would use: Are these kids going to get their year or they going to lose their year if this strike carries on?

When the commission judges that point is reached, it notifies the government. You don't recommend to the government as a commission that it bring in back-to-work legislation. But presumably, with parental pressure, if you, as a member of this commission, were to collectively say—I'm not asking whether you would issue a press release. You're part of the commission; you're responsible for the report. I assume there would not be a mechanism for you to issue a minority report saying that you disagree with the rest of your colleagues on the commission.

Ms Walsh: No, I wouldn't suspect so.

Mr Mahoney: So I would presume—

Ms Walsh: You're asking me if I would vote for jeopardy?

Mr Mahoney: I'm asking you if you would have any difficulty in being part of a commission decision to notify the government that the students' successful completion of their year is in jeopardy. Do you have any trouble with that?

1430

Ms Walsh: My answer to that is that I don't have any trouble with that if I felt, in consultation with the other commissioners, that this was so. Of course that decision has been made in nine cases already, which are about 12% of the sanctions, so in the 74 sanctions and nine the decision has been made and it has been made for a good reason, in some cases. In some cases, I have to say that I believe the thing has run its course, because there is very bad feeling.

When a situation arises where, in the view of the commission, a party or parties are intransigent and that there will never be a settlement, then jeopardy certainly is there, but that's very seldom.

Mr Carr: Welcome, as somebody from Oakville; it's a pleasure to have you here. That was the most important thing I found in the résumé there, that you're from Oakville, but I was also very impressed with—

Mr Mahoney: Watch how gentle he's going to be.

Mr Carr: I was also very impressed with the background at the London School of Economics.

One of the questions I have relates to what is happening. As you know, the province has limited transfer payments to school boards, and teachers' salaries and negotiated settlements have been above what the transfers have been. As a result, the property taxes have increased, and in Halton, for example, for the first time the school boards are now having public hearings on the budget because so many people are

concerned about what's happening, as are the regions and the town. Our board says: "Here we are; we got 0% from the provincial government and we've already negotiated increases going way back," because some of the agreements are two, three years or whatever, and they really can't control the cost, because 80% of the cost of education is teachers' salaries.

There are some people who have therefore called the provincial government to legislate increases to match the transfer payments. So if the province gives them 1%, that's what the teachers would get; if they got 2% and so on and if they got zero they would get zero. In order to do that, what would happen is that the provincial government would take the political heat with the teachers. The way it is now, we are just increasing the property taxes.

Do you agree that during these tough economic times that's something the provincial government should be doing with regard to teachers' salaries—in other words, capping them; whatever the province says it can afford to give school boards, that's what the teachers' salaries should be limited to?

Ms Walsh: The government has done that before: in 1982, the Inflation Restraint Act, and in 1975 the federal government did that, of course.

I think what you're seeing in the opening positions of teachers is historical. I mean, there are places in the province where the teachers always open with 20% and the board opens with minus one or whatever, and they settle all of the other things and then they come back to the reasonable figure. I think that when these facts are public it teaches a disservice, because they are looked upon as being quite insensitive to the economic climate. At the same time they say: "We never intended to get 4%. We know we're going to have to limit ourselves to this and we're lucky to have jobs." Teachers are very soft-hearted people. They don't like to strike, I can tell you. It's heart-wrenching for them. They don't like to be—I see some smiles there—

Mr Carr: He's a teacher, that's why.

Mr Marchese: He's a former teacher.

Ms Walsh: Yes.

The Acting Chair: Let's not invite Mr Bradley into this debate.

Mr Mahoney: They think we're soft-headed, actually.

Ms Walsh: Anyway, I say that when you see an opening position of 5% in these economic times, the teachers will tell you, "We had to start there or we would have gotten nothing at all," and that's the way it happens. They know what the situation is. They know there are relatives and friends without jobs. They're working at the food banks. They know better.

Mr Carr: In this case, knowing the economic climate—and you may not know, but the deficit position is horrendous here in the province—looking at this situation now, from the teachers' perspective, from the government's perspective, should we be doing the same thing as has been done in the past? Would you favour that now, during this time?

Ms Walsh: Did it work?

Mr Carr: I'm asking you.

Ms Walsh: I'm asking you. The Inflation Restraint Act put the lid on it for a little while. It cost a lot of money to administer that act. If that's what you want, you can do it.

Mr Carr: I guess it would sort of put you out of business for a little while. If they did that and said, "This is what you're going to get next year and so on," there wouldn't be any need to take a look at it because both sides would know and it would be legislated.

There is the problem we've got in the whole issue of the public service. Coming from Oakville, let's use the Ford example. If Ford Motor Co goes on strike, you can still buy General Motors or whatever. In the case of school, you can't, if you go on strike. There are many who feel therefore the teachers have all the power in terms of negotiating. I think you're right. I've had a lot of teachers who were soft-hearted, although I did have the odd one who was pretty hard on me as well, maybe with reason. Do you favour the present ability of teachers to strike, and if you would make any changes, what would they be?

Ms Walsh: I don't approve of any change in their ability to strike. I think there are balances here; there are checks. There are so many procedures to go through before there's a strike. In looking at the figures, in over 3,000 sets of negotiations, there have been 2.4% sanctions in all of these years since 1975. I think that's remarkable. It shows how the situation is. Unless the situation is one that has been building up over a long period of time, and the Education Relations Commission, and the College Relations Commission as well, can tell you that this was to be expected, that it had done everything it could to try to get these people to be more reasonable—they did end it themselves in ways. Therefore, it may not have anything to do with salary. It may have to do with long-standing bad feeling between the parties.

Right now there are other things than salaries that are being considered. There are a lot of other things that have to be negotiated, and if you put fetters on the negotiation process, you're going to do an awful lot of damage to other initiatives the government has put forward at this time, destreaming, for one, that will have to enter into negotiations in some way. Destreaming is certainly going to be a topic for cooperative collective bargaining in which the parties sit down and look at the problems for component staffing.

Mr Carr: Having been involved with teachers, I don't think ever before in the past has there been as much of a threat of layoff of teachers. It just seemed we got increases, but none of the boards ever took a look at layoffs. As you know, the Peel board has had a look at it, and there are many saying that if the increases and the amounts get any greater, what's going to happen is that there will be the sacrifice, because there will be layoffs. Having come from the teachers' side, how aware do you think the teachers are of that? Are they concerned about that in this day and age?

Ms Walsh: I think they are and I think they know perfectly well, because it's happened in the past, that there's a tradeoff. Peel knows very well that there's a tradeoff, because it got into a situation just as I came back from my sabbatical in 1986 where it had made a tradeoff between salary and staffing. It didn't fly, but they knew perfectly well what they were doing. They said, "This is what we want." They had to

take maybe larger class sizes if they wanted to get some of the other compensation items. It wasn't really salary so much as other compensation items that they were looking for and they couldn't have that and the staffing they wanted. They can't have everything and they know it. They know about tradeoffs and this is what's happening right now.

1440

The Acting Chair: Ms Walsh, that brings to a conclusion the amount of time the committee had allocated. Do you have a closing statement you wish to share with the committee?

Ms Walsh: I just wanted to say something about my representing teachers. I would come to the commission to help in the process. I have worked with all the affiliates of the Ontario Teachers' Federation and I have their respect. I was the person chosen to negotiate with DGDEP, which is the director general of dependants education programs for the Department of National Defence when it divested itself of all responsibility for schools on the Canadian Forces bases. I worked with all of them there, so I feel I can bring the point of view of teachers to this commission, but I certainly will be unprejudiced in any decisions I have to make, and I give you my word on that.

The Acting Chair: Thank you very much, Ms Walsh, for the time you've spent with the committee. On behalf of the committee, we wish you well. We will be making our final determination at day's end and the clerk will advise you accordingly.

Mr Bradley: You're a cinch.

The Acting Chair: I'd almost forgotten how much I missed you, Mr Bradley.

KAREN TRACE

The Acting Chair: I'd like to call forward Ms Karen Trace who is the next intended appointee for review. Ms Trace is being considered as a member of the Board of Funeral Services. Welcome, Ms Trace. Did you wish to make a brief opening statement and then we'll begin with questions from the official opposition?

Ms Karen Trace: First, I'd like to say that although my résumé is not funeral-service-specific, my background and experience in dealing with people in stressful situations and my understanding of the grieving process fit together with my knowledge of the working of the Board of Funeral Services.

Mr Grandmaître: I was going through your very impressive CV and I was going to ask you the question: What makes you want to serve on this Board of Funeral Services?

Ms Trace: I've been working with people in extremely stressful situations for many years and I feel I'm a good advocate for people. I feel I have a very good understanding of different cultures and religious practices. I have a lot of access to a wide range of reference material. I possess the ability to evaluate and analyse situations very clearly, so I feel I could represent the public through the Board of Funeral Services very well.

Mr Grandmaître: Do you know the composition of that board?

Ms Trace: Yes, I do.

Mr Grandmaître: Where will your experience come in handy, through the licensing committee, the complaints committee, the discipline committee or the compensation fund committee? How can you serve on one of these four committees with your past experience? How can you apply this past experience on these four different committees?

Ms Trace: I could see myself perhaps being on the compensation committee as I am presently a treasurer of my union local; perhaps the discipline committee with my experience of working with people. I'm not really quite sure where I would fit in, but I could see myself directly fitting in with people or perhaps more on the compensation end of things.

Mr Grandmaître: Let's talk about the compensation fund committee then, the prepaid funeral services. Are you familiar with the prepaid?

Ms Trace: Yes, I am.

Mr Grandmaître: Are you totally satisfied that these people are doing a good job?

Ms Trace: From my understanding and what I've read, yes, I am satisfied that our funeral establishments are doing a good job. But I also realize that with handling the amount of money, in the millions of dollars, there is room for error. There is greed and there are all sorts of other human problems we run into.

Mr Grandmaître: What about the pressure that some of these funeral directors or funeral people are applying on future customers, like using the phone and so on and so forth, pressuring people? I know we're all going to die, but let's not rush it.

Mr Mahoney: Speak for yourself.

Mr Grandmaître: But it's only for three days.

Interjections.

Ms Trace: That's certainly why the board is set up, to investigate situations throughout the province that we hear of, of pressure that's being put on individuals to prepay services or whatever.

Mr Grandmaître: The biggest complaint I've been receiving about prepaid funeral services is that people have a difficult time in obtaining total satisfaction. For instance, a lady walked into my constituency office and showed me a certificate—she called it a certificate—which she had bought some 14 or 15 years ago. She was trying to get the funeral director or the manager of the funeral home to tell her how much money she had in the bank. She's written a number of letters, seven or eight letters, and not made phone calls. She couldn't get total satisfaction. Do you think this is fair? It's her money. It's her investment.

Ms Trace: No, it isn't fair, but I feel she's started with the right route, coming to her MPP and then taking it further. She should be getting satisfaction, and going through the channels to get it is very important. But I believe she would then have the option to come to the board with her case, and then the board would help her to deal with it and get the satisfaction she desires.

Mr Grandmaître: I thought it was very strange that she couldn't get the answers she was looking for.

The Acting Chair: Did you give her the answer, Mr Grandmaitre?

Mr Grandmaitre: No. I know Steve has the answer, or maybe a question. Go ahead.

Mr Mahoney: A lot of the issues surrounding this industry and the problems that I've seen in the past have been the selling methods that have been employed by various organizations. There was a lot of concern expressed a number of years ago about the telemarketing programs that were going on. There were agreements by people in that industry, primarily selling graves but also getting involved in some other services, that they wouldn't phone into seniors' homes, that they would be more careful. Have you had any experience with any of these problems, or do you know what's going on currently in the industry?

Ms Trace: I haven't had any experience while living in Canada. When I lived in the United States, I had a tremendous amount of experience of having harassing phone calls, but certainly not since I've been in Toronto.

Mr Mahoney: They can't do it any more here as a result of, I guess a couple of years ago, the change in the legislation. But what concerns me is that very few of us, I think, prepay funeral arrangements, whether it be a gravesite or actually selecting the coffin or that type of thing. Most often the decisions are made at the most stressful time you could possibly ever imagine. You go into the showroom and you are going to put your loved one in the cheapest casket? It's not likely that's what you want to do.

I wonder if you have any comments about how we might strike a balance in that area. For example, my first reaction to this was that I found it hard to believe, but I've had some time to think about it: I actually have a meeting in my community office on Friday with some people who want to start up a business, and they're renting coffins where they would simply be used for the wake and then when the actual burial or the cremation takes place, the body would be removed from that coffin and it would be put back into the system, rather than burning a perfectly good \$5,000 or \$6,000 coffin.

1450

Mr Grandmaitre: What's it called? Do you know?

Mr Mahoney: It's called rent-a-coffin.

Mr Bradley: That's what I need when I die.

Mr Mahoney: It really is, and these people are coming in to see me with this business. It sounds morbid, but the more you think about it, the more you think if you've ever gone through the experience of selecting a coffin and going through the funeral arrangements and the cost that's involved and everything else, you can only deal with those kinds of decisions at a time when you're not under that kind of stress. Who's going to say, "We're going to put dear old mom in a rent-a-coffin," other than Bradley, at the time it's about to happen?

But I wonder how we can desensitize—I don't know what the word is, but you, going into a position on a board like this, will have an opportunity, and you're going in from a layperson's perspective, to hopefully bring some commonsense ideas that, once you get past the smirking and the grimacing at these ideas, maybe they're not so bad. I don't know. Do you have any comments, or what do you think about that?

Ms Trace: As a consumer of funeral services, we had 10 family deaths in a period of three years, so I'm certainly very familiar as a consumer, both my husband and my father. Because we were dealt with in such a sensitive manner, I don't know what the percentage of insensitive funeral establishments are. We were taken into the room and shown the wide range, but there was no pressure to buy the \$4,000 casket in each case. Actually, we chose the most inexpensive one we could. I believe funeral establishments are very sensitive to people's needs and I would hope it's not general practice to pressure people into spending more money on buying the kinds of things they can't afford.

Mr Mahoney: By and large, I think that's probably true. Do I have time for one quick one?

The Acting Chair: Yes, you do.

Mr Mahoney: The issue of one-stop shopping is another one, where there are restrictions as to whether or not people who own cemeteries can own a funeral home, whether or not they can own the monuments. There are restrictions in all of these areas. There are some folks who believe that the one-stop shopping concept should be made available. How do you feel about that?

Ms Trace: At the moment it appears that the way it is works very effectively and I don't feel it needs to change, unless it's not something that's working effectively.

The Acting Chair: Mr Arnott.

Mr Bradley: Are we out of time?

The Acting Chair: You're out of time, Mr Bradley, but Mr Arnott isn't.

Mr Arnott: Thank you, Mrs Trace, for coming in today. I have an initial question, seeing your résumé and the information the clerk has provided for us. I would just like to ask you, how did you come to apply for this position on the Board of Funeral Services?

Ms Trace: There was an invitation in the paper in February, and I was very interested. I feel it's very important for me to step outside of my comfort level and do something interesting and different. I've had experience on two independent boards of directors but felt I wanted something a little bit more, so I went to the library and I researched.

Because my résumé certainly points at abnormal psych and special needs, I did apply for some of those positions, but as I went through the book, I just kept coming back to funeral services several times, and I finally stopped, figuring if I keep coming back here, there's some reason I need to look at this further. So I did and felt that with my own experience, especially my experience with grief counselling, it was something that would be a real challenge for me to try.

Mr Arnott: I noticed the grief counselling mentioned in your résumé and I just wondered if you could explain to us the extent to which you've been involved in grief counselling a little more specifically.

Ms Trace: In my grief counselling, I work with people in stressful situations. I presently work with families whose children are developmentally delayed, and it's not the grief of death so much as the grief of the loss of normalcy. They are dealing throughout the years as their children go with different griefs at different levels when their children hit puberty or

what not. It's a little bit of a different grief, and certainly I do deal with people who lose their children who are developmentally delayed.

My own experience has been as a young widow with other young widows and being involved very heavily for a number of years in doing grief counselling. I was a phone volunteer on the distress lines for a number of years as well. That's not counselling per se, but you are doing a lot of talking to people in tremendous stress, stressful situations.

Mr Arnott: Do you have any specific goals that you would hope to accomplish, say, within your first year, assuming you're appointed to the Board of Funeral Services?

Ms Trace: Just to be an advocate for members of the general public and to make sure they're represented, their best interests.

Mr Arnott: All right, thank you very much.

Mr Carr: I have a couple of questions. You mention in here that you just applied. You saw an ad in the library?

Ms Trace: In the Toronto Star.

Mr Carr: In the Toronto Star. So it's not a political appointment. You're not affiliated with any political party?

Ms Trace: No, I'm not.

Mr Carr: I was also interested, knowing your background and some of the things you've done and taking a look at funeral services, if there's anything you could change, what would you change in the way they operate right now?

Ms Trace: I wouldn't change anything presently. It certainly appears that things go very smoothly, from what I pick up out of the newspapers. It appears that the funeral services are keeping abreast of our very ethnic diversity in the province of Ontario and the sensitivity to people from different cultures. I can't see, from the outside looking in, that there are things I personally would like to see changed.

Mr Carr: So your hope is just to keep things running smoothly and efficiently?

Ms Trace: Yes.

Mr Carr: Good. Thank you. Good luck.

The Acting Chair: If there are no other questions on this side, then Mr Marchese.

Mr Marchese: Karen, I have two questions. My first one relates to funeral costs in general. Part of what I've read here is that the average cost is anywhere from \$3,000 to \$4,000. The minimum might be about \$700 and the top range would be about \$15,000. My personal view is that they're very expensive and I would like to be able to see a reduction of cost for funerals. I don't know whether you agree or disagree with that. If you agree, what would we do? If you disagree, why?

Ms Trace: I certainly know from own experience that my funeral cost was not that high, but it probably would be at this point if I were preparing the same funeral I did a number of years ago. It does seem very high to me. Certainly as a single parent, that would be a tremendous amount of money for my kids to come up with. I guess I see as an alternative the transfer services where you can pick up the body right from the place to the crematorium or the cemetery as an alternative for cutting costs. Then you could have your own memorial after that, but you wouldn't have your body there. I

would see that as a much lower-cost alternative to people who couldn't, who didn't want to pay the high cost.

Mr Marchese: But I presume there's a cultural pressure in terms of procedures that are already established that people feel they need to go through. I imagine that changing that is part of a problem or a barrier for most people. They feel they would have to do it and therefore the costs keep on staying where they are or increasing.

Ms Trace: That seems to really depend on the cultures. I know that with the Muslim and the Jewish cultures they don't embalm and they bury very quickly. They wouldn't incur as much cost as I, as a Protestant who does the three days of visitation, might. Our procedure is very different prior to the burial or cremation. I don't know.

Mr Marchese: Let me ask you another question connected very much to costs. In relation to operators of transfer services, who simply collect the body and place it in the casket or box and then take it directly to the crematorium, they can't perform memorial services.

Ms Trace: Right.

1500

Mr Marchese: There are some people out there who would like to be able to do that, and they argue that if they could, they could provide a cheaper service. Any comment on that?

Ms Trace: I don't have a comment at this time on that.

Mr Marchese: Okay, thanks very much.

Mr Waters: As I had the unfortunate experience of arranging for a couple of funerals, one of the things I found was that I agree, I don't think funeral directors pressure a person into purchasing a coffin or a funeral that is somewhat more expensive than he really can afford. I think society pressures you into it or your family might.

We teach our children so many things: we teach them life skills, we teach them how to cook, clean, do all these wonderful things. But one of the things that we do not teach them is that there's one thing that is inevitable, and that is that if you have relatives, it's inevitable that you're going to bury a relative and you're going to have to arrange for that funeral. Usually, the first time that ever happens to you is the first time you have any contact with a funeral home.

I'm wondering if there shouldn't be some more education out there as to the process that you go through from the time your relative succumbs to whatever to the point that the funeral is complete and the bills are paid. I'd like your comments on that if you've given that any thought.

Ms Trace: I haven't given it a lot of thought, but I agree that certainly education would help. I think if you luck out and you get an establishment that is extremely sensitive, or as in my case one which our family has used for many years and has been very satisfied with, then you're sailing, because they take your hand and they guide you along. But unless you've dealt with it, you really are just blindly going ahead. So education certainly would be valuable.

Mr Waters: Getting back more to the board, what do you feel the purpose of the board is?

Ms Trace: The purpose is to regulate the funeral establishments as is set out in the act of 1989, and if there's

discipline that needs to be dealt with, to deal with those issues. I believe there's over \$500 million in trust funds throughout the province to deal with problems relating to that. It's to oversee and to protect the rights of the people of the province of Ontario. Our understanding is that we have very high standards and are very well regulated in this province, and it is a bit of an example for the other provinces that have different regulations that our standards are so high.

The Acting Chair: Are there any other questions?

Mr Frankford: Is the setting up of new funeral establishments subject to the board's approval?

Ms Trace: I'm not familiar with that.

The Acting Chair: Mr Pond has a response that might be of assistance.

Mr David Pond: You have to get a licence. The act and the ministry set the standards. It's like any other licence: You meet the standards, you get your licence. Then you become regulated by the board, so to speak.

Mr Frankford: Do board members have any say in who should get regulated?

Mr Pond: No, but they do have the authority to discipline, and I suspect that if they recommend to the registrar and to the ministry official that a licence be suspended, that would probably carry a lot of weight, quite frankly. But it doesn't do that in itself, no; the ministry does that.

Mr Frankford: So if I qualified and wanted to set up an establishment, I don't go to the board, I go to the—

Mr Pond: No, the registrar is in the ministry.

The Acting Chair: Mr Bradley, you had a burning question.

Mr Bradley: Our party's time is all taken up.

The Acting Chair: The Chair has a certain degree of flexibility, and I'm dying to hear your question.

Mr Bradley: It was one I think you dealt with previously but which I'd like to get your answer on, and that's the pre-paid funeral one. I believe you responded to that. At the time, did you express a view on the ethics involved in the selling of funerals to people ahead of time?

Ms Trace: My personal view is that I wouldn't choose to partake in that, but I think that's a very individual thing. It depends on the people involved. If they feel it's important to establish that and have that set before they die, then that's okay.

Mr Bradley: There was one other question. The Chairman is distracted. I'll ask the other question.

The Acting Chair: Go right ahead. You're not that big a distraction, Mr Bradley.

Mr Bradley: There have been some people who have expressed great concern about the environmental consequences. One is the health consequences and two is the environmental consequences involved in the delivery of funeral services, the disposal of fluids and things like that, which is never a nice subject. It's a difficult subject to deal with.

Do you have any views on that, any experience in terms of general concern about the environment that you would bring to the board as it relates to any new precautions that might be taken? There are some people, for instance, who believe all

these graveyards are going to cause a great problem some day when everything disintegrates and there's a problem.

When I was Environment minister I used to get a call every time I was on any radio program from a person just outside of Hamilton who asked me what was going to happen in those graveyards. Any views on the environmental problems encountered by those who operate funeral parlours?

Ms Trace: I expect they're adhering to all the laws the province has laid out for them and I haven't heard anything of pollution in the environment in reference to all this waste. Certainly the hospitals would have just as much waste parts that they dispose of as well.

Mr Bradley: I'll leave that with you as something you may wish to discuss with them. I know the funeral directors themselves are addressing the problem in cooperation with the Ministry of the Environment, but it may be something that would interest you. The whole issue of biomedical waste is one of great controversy and interest over the years and some day will be solved. Attempts have been made over the last several years, including now, to solve the problem and I can assure you it isn't solved yet.

The Acting Chair: And that's from a former Environment minister. Thank you, Mr Bradley, for your additional contribution. It was appreciated by the committee. Ms Trace, thank you for coming today. I appreciated your attendance. Did you have any closing comments you wish to make to the committee?

Ms Trace: No, I don't.

The Acting Chair: Okay. On behalf of the committee, we wish you good luck in your future activities and congratulations.

Ms Trace: Thank you.

The Acting Chair: I have been advised by the clerk that the intended appointment of Herbert Robertson for the Ontario Film Review Board has been withdrawn by Mr Robertson.

Mr Mahoney: Do we have details?

The Acting Chair: The Chair told you everything he knows. I'm surprised it was that short. We are on Hansard, I would remind everybody, since we're talking about the withdrawal of an application.

Mr Grandmaître: When did this happen?

The Acting Chair: Just this very moment. It is my understanding the gentleman is here but—

Mr Grandmaître: He's not a cabinet minister, he doesn't have to resign.

The Acting Chair: No. He personally—we've been advised that the gentleman has withdrawn his application and that is all the Chair has and that is sufficient for the record. Therefore, if there are no—

Interjection: Is he here?

The Acting Chair: I said that he was here. He's not physically in the room at the moment, but he was here. If I might, in the interests of time, if there are no other questions or comments, we—

Interjections.

The Acting Chair: I would be pleased to entertain a motion by Mr Waters to concur with the five appointments reviewed today.

Mr Grandmaître: I thought this was done weeks and weeks ago.

The Acting Chair: It probably has been, Mr Grandmaître. Any discussion on the motion? If not, I'd like to call the question. All those in favour? Opposed, if any? As declared, carried.

Your steering committee, by way of information, has met. Do you wish to share the names of the appointees at this point? I'm advised by the clerk we don't. So stand by your e-mail and we will limit your suspense.

With there being no further business, this committee stands adjourned.

The committee adjourned at 1510.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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***Acting Chair / Président suppléant:** Jackson, Cameron (Burlington South/-Sud PC)

Vice-Chair / Vice-Président: McLean, Allan K. (Simcoe East/-Est PC)

***Bradley, James J.** (St Catharines L)

Carter, Jenny (Peterborough ND)

Cleary, John C. (Cornwall L)

Ferguson, Will, (Kitchener ND)

***Frankford, Robert** (Scarborough East/-Est ND)

***Grandmaître, Bernard** (Ottawa East/-Est L)

***Marchese, Rosario** (Fort York ND)

Stockwell, Chris (Etobicoke West/-Ouest PC)

***Waters, Daniel** (Muskoka-Georgian Bay ND)

Wiseman, Jim (Durham West/-Ouest ND)

***In attendance / présents**

Substitutions present / Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Ms Carter

Arnott, Ted (Wellington PC) for Mr Stockwell

Carr, Gary (Oakville South/-Sud PC) for Mr McLean

Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson

Jackson, Cameron (Burlington South/-Sud PC) for Mr Runciman

Mahoney, Steven W. (Mississauga West/-Ouest L) for Mr Cleary

Rizzo, Tony (Oakwood ND) for Mr Wiseman

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

CA2 ON
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Ontario
Publication

A-25

A-25

ISSN 1180-4335

Legislative Assembly of Ontario

Second Intercession, 35th Parliament

Official Report of Debates (Hansard)

Monday 18 January 1993

Standing committee on government agencies

Committee business

Subcommittee report

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Lundi 18 janvier 1993

Comité permanent des organismes gouvernementaux

Travaux de comité

Rapport de sous-comité



Chair: Robert W. Runciman
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Editor of Debates: Don Cameron



Publié par l'Assemblée législative de l'Ontario
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 18 January 1993

The committee met at 1412 in committee room 2.

COMMITTEE BUSINESS

The Chair (Mr Robert W. Runciman): I call the meeting to order. Before we move on to the agenda, I just want to discuss one travel planning matter with the committee. I understand that the members of the government caucus are having a caucus tomorrow at 7:30 pm, and there was some indication given to the clerk that some of you would like to come back on an earlier flight from Sudbury so that you could be here in time for your caucus meeting.

I have no difficulty but I thought that rather than simply having half the committee come back early perhaps we could try to compress our meeting time with Science North officials so that all of us could come back on that earlier flight. We're all in agreement with that?

Mr Rosario Marchese (Fort York): Agreed.

The Chair: Okay, then we'll ask the clerk to try and arrange that.

Mr Marchese: I think all we need is one hour, Mr Chairman, if there's a flight an hour earlier.

The Chair: Yes, there's a 4:45 flight, I think.

Clerk of the Committee (Ms Lynn Mellor): There's 4:25 or 6:25. There's no 5:25. It means we'll cut things short a bit.

SUBCOMMITTEE REPORT

The Chair: We'll move on to the agenda. We have the electronic Hansard here really for only one matter and that's the subcommittee report. I don't know if everyone's had a chance to take a look at the subcommittee report. It's really in respect to the selections for review by the committee.

Any questions in respect to the subcommittee report? All in agreement? Okay then, we shall move on and you can depart the scene.

The committee continued in closed session at 1414.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 20 January 1993

The committee met at 1007 in committee room 2.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

SCIENCE NORTH

The Chair (Mr Robert W. Runciman): I will call the meeting to order. The only agenda item this morning, as members are aware, is the appearance of witnesses from Science North: Lloyd Douglas Reed, the chair of the board of trustees, and Jim Marchbank, whom most of us met yesterday as the CEO of Science North. I welcome you both to Toronto.

Just once again, for the record, I'd say to Mr Marchbank how much we appreciated the hospitality of the Science North staff yesterday. We very much appreciated the time you and others gave up to show us around the facility. It was very enjoyable indeed.

I don't know if you'd like to say something at the outset. Mr Reed, would you like to say something before we get into questioning?

Dr Lloyd Douglas Reed: Yes, I would, Mr Chairman. Thank you very much.

First of all, I'm delighted to be here with Jim Marchbank, chief executive officer of Science North, to talk about a subject very close to our hearts: Science North. We thank you for your interest.

You have a lot of factual information available to you already: the Science North Act, the strategic plan, the operating plan, the financial statements, the mission statement and documents on our standards. You also have the benefit of having participated in yesterday's visit, complete with a look at a shooting star, a briefing and a tour. I hope that, during that tour, members of the committee were able to have enough freedom to really experience something of the Science North experience, the Science North style and the flexibility with which Science North's exhibits are met by visitors.

I know that you're going to be concentrating today on board operations, and therefore in the opening remarks I'd like to make I'm just going to give some of my subjective comments as a preamble.

I came back to Sudbury in 1986 after being away for a few years, and this was a time two years after its 1984 opening. Science North was already then very impressive compared to the other science centres I had seen as an aficionado of science centres. Its type of display was very different. The hands-on style which you saw yesterday was already very much in place and already, in 1986, it was a place to which I was determined to return. In fact, I did return and was a volunteer in minor ways with exhibits and then on working groups, then with the science program committee and now on the board.

I've been increasingly impressed with the concept and the actualization of that concept at Science North in terms of its exhibits and I've concluded, as so many others have, that Science North is not a science centre; it is unique. There are many others in the world who talk in terms of Science North as being the first of a new generation of science centres. I particularly admired many things about Science North: the creativity and the chutzpah of the startup of Science North initially, the talent of the employees and the volunteers, the managers and the chief executive officer. I've also admired the fact that Science North really is committed to providing that learning experience which, by its mission statement, should be stimulating, should be throughout northern Ontario, should be bilingual, should affect tourists and residents, should emphasize northern Ontario material and should link to everyday life.

It's hard to do a performance appraisal of Science North. You've got factors that could include the fact that we attracted 202,000 last year in a population around Sudbury of 160,000; that we have 9,000 members; we've got tremendous loyalty of staff, of Sudbury, of northern Ontario, of volunteers, including board members; that Science North has enjoyed tremendous grantsmanship success, that dollars given to Science North are often levered into many more dollars; that it has world respect among the science centres of the world; that it is consulted by science centres and others extensively; that there are exchanges in place with other science centres; that we export exhibits; and that various surveys done have given Science North top marks.

It's hard to measure some aspects of success, though, and some of the factual material which one can read won't give a glimpse of how many girls became women scientists as a result of a visit one year to Science North and a career decision several years further on, or whether the population is much more able and active in smart environmental actions etc. I would also point out that Science North is more than just a centre at which its mission is produced. For northern Ontario, and Sudbury in particular, it's a very popular venue for a number of events.

We have some very general challenges for the board in its operations, the prime of which I think is maintaining the concept and the momentum; contributing to the management of change; the management of the rapidity of the change and the growth; addressing the vastness of northern Ontario; and not least of all, coping with the financial situation in Canada. In particular, we've got to maintain morale and drive, especially in the light of delayed plans, delayed for reasons of finances. We're delighted, as I say with Jim Marchbank, to answer questions related to Science North, which is so close to our heart, and particularly with reference to board operations.

The Chair: Thank you very much, Mr Reed. We'll move on to questions from members. Mr McLean, would you like to lead off?

Mr Allan K. McLean (Simcoe East): Yes. How are you going to work it, Mr Chairman?

The Chair: We're just going to leave it open. I'm not going to try and assign time to each caucus.

Mr McLean: Okay, thank you. Good morning, gentlemen. I have some questions with regard to your budget. In item 14 it says, "The funding is not adequate to achieve the desired objectives." In 1988-89, salaries and benefits were \$2.535 million and in 1991-92, \$3.5 million, almost a \$1-million increase in salaries. It indicates here that your staffing was 69 in 1989-90 and in 1991-92 it was 73 and in 1992-93 it's supposed to be 67—very little change in staff. Where's the \$1-million difference in salaries?

Mr James Marchbank: If you could help me in the pages you're reading off—

Mr McLean: This is the letter sent to Lynn Mellor, the clerk, with regard to—

Mr Marchbank: Which question number are you reading?

Mr McLean: I'm on number 10.

Mr Marchbank: The answer, I believe, to your question, is that the categorizations that were requested in this question format combine operating and capital expenses. Those go up and down, depending on the amount of capital that is undertaken and depending on the special projects. That would account for the variation.

Mr McLean: But your capital is separate from your salaries and your benefits. I see supplies and equipment on that same section is \$4.9 million, a substantial increase: "the above includes both capital and operating expenses." So that's part of the salaries, that \$4.9 million?

Mr Marchbank: I guess our finance staff separated it to the best of our abilities. I think little of it would be salaries. I think the largest component of it—and you see why the supplies and equipment jumps by about \$2.5 million—is probably the purchase of the Bell Grove Arena, which I mentioned to you yesterday. Those are the kinds of jumps that occurred because of capital expenditure.

Mr McLean: Okay, then. Can you give me the difference, salary increases, from 1988-89 to 1991 and 1992?

Mr Marchbank: For the full-time staff?

Mr McLean: For the full-time staff. That's what I would look at you're referring to in 15, number of employees.

Mr Marchbank: The increase in the full-time—I can't give it to you for four years because I don't have it at my fingertips and I can't remember it all, but I can recall 1992-93, the budget we set last spring for this fiscal year. The number of employees declined so our full-time payroll cost for full-time employees would have declined. However, for those who remained, there was an increase in salaries, I believe across the organization—these varied with individuals—that totalled 2%.

Mr McLean: Who sets the salaries?

Mr Marchbank: The executive committee of the board does, on my recommendation.

Mr McLean: I guess there's no way that we're going to find out what any individual scientist or anybody's making

then, are we? I mean, you could recommend them for an \$18,000 or \$20,000 increase and nobody knows whether that's happening or not.

Mr Marchbank: We have a salary plan, sir, that has a salary schedule, a pay plan for the organization, and that kind of increase couldn't happen within that plan. Scientists, depending on their qualifications and their skill and their responsibility levels, have positions within that plan.

Mr McLean: Who looks at your overall plan? Who approves it? You do?

Mr Marchbank: It's approved by the board.

Mr McLean: And no accountability to the government?

Mr Marchbank: I believe it was approved when it was first instituted by the ministry back in 1986 or 1987.

Mr McLean: Okay, the arena.

Mr Norman W. Sterling (Carleton): Could I just ask a supplementary question in there? I guess what I'd like to know is, what increases in salaries have there been over the last year, the last two years, the last three years, in percentages, for your employees?

Mr Marchbank: The overall average for the staff for last year—that's the spring of 1992—would have been 2%. In the year prior to that it would have been in the 5% to 6% range and in the year prior to that probably in the same range. Those are the increases to full-time—

Mr Sterling: They're above inflation then.

Mr Marchbank: They're slightly above inflation, yes.

Mr Sterling: Why?

Mr Marchbank: Because our staff in general are paid below relative market levels.

Mr McLean: Why was the arena purchased by Science North? Who owned the arena before?

Mr Marchbank: The city of Sudbury.

Mr McLean: And why did Science North buy it?

Mr Marchbank: Because Science North wishes to expand its operations and to develop new space. Science North, in its original building, had a chronic lack of support space and the arena was seen as a potential acquisition, given the site constrictions which we have, to deal with that support space, both for the operations in Sudbury and for the expanding outreach operations which we're undertaking and hope to continue to take.

The other key element of acquiring the arena was the opportunity to create within it a special events hall as a public program space to allow us to increase the frequency of exhibit change and program change within the centre, which we see as the key to continuing to involve people in science and to attract people to the centre.

1020

Mr McLean: Was it initiated from the board or from the city? Who initiated the involvement to have it transferred to Science North?

Mr Marchbank: It was initiated by Science North.

Mr McLean: I have a final question for this round, Mr Chair. I noticed on the board yesterday the different companies

that donate, such as Pepsi. Did Fednor put any money in there for capital funding or does it donate as an advertisement?

Mr Marchbank: Fednor provided a grant of \$600,000 towards the cost of Shooting Star, the 3-D show you saw yesterday. That's the only funding we've had from Fednor. The original creation of Science North had federal capital grants in it, but that was pre-Fednor. Fednor has also most recently funded 90% of the cost of the feasibility study on an IMAX theatre, which I mentioned yesterday.

Mr McLean: Of that group of donators that was on the board yesterday, what amount of money would you raise in a year from those in grants or donations?

Mr Marchbank: Last year in the campaign for Shooting Star we raised \$350,000 from the private sector. Our raising of funds is not done on an annual basis for operating purposes; it's done on a project basis for capital purposes. What support we get from the private sector for operating tends to be of a sponsorship nature, of sponsoring an event, such as the Mazes and Mysteries event, which I think you saw yesterday, or for ongoing kinds of marketing support.

Mr McLean: Thank you, Mr Chair. Are there questions from others?

The Chair: Mr Marchese and then Mr Grandmaître.

Mr Rosario Marchese (Fort York): Good morning, Lloyd and Jim. I have just two comments and then some questions later on. The comments have to do with questions that have been raised already with respect to the arena. It was useful for the members to have been there, to have seen the limited space that one has, particularly where we were in the boardroom, which gives you an indication of the kind of cramped space in which the staff is operating. The offices are very tiny. I don't know if people had a chance to see the office spaces or the other space behind those separations that people couldn't see. From that perspective, it was important to see why one would want to expand into the arena for the purposes of office space and also for programming. So that was key for us in terms of having an experiential feel for the building.

I wanted to ask a question about catchment. We saw some interesting statistics yesterday. I have to tell you I was very impressed with the numbers of visitors we had from southern Ontario, excluding Metro, which also was quite impressive. I know Jim Bradley was asking that question in a previous meeting we had here, so I wanted to say how impressed I was with the numbers of people come from beyond your immediate catchment area.

One of the questions that was asked yesterday that I think is useful to ask you here and that you might want to speak to publicly has to do with the evaluation of your programs. How do you evaluate the effectiveness of your programs? It seems to me you would want to do that in some way so that you can get a fair assessment of what is accomplished, what is good, what is effective and what you might want to get rid of in order to bring in new programs to Science North.

Dr Reed: I'll start an answer to that and ask Jim to complete it. In June 1990, we had commissioned from Coopers and Lybrand a valuation of Science North by residents of Sudbury and the surrounding area. The executive summary points out that a large number of Sudburians had visited compared with an earlier survey; that visitors rated Science North

as excellent or very good; the strong perception that the centre is educational fun and good value for money; that there's a fairly large proportion of visitors who believe the centre is not yet complete, although this concept or feeling was somewhat less widespread than previously.

Eight in 10 visitors rated the exhibits as excellent or very good. There continue to be some service areas where there were some less positive opinions, restaurant etc. As in the last survey, most visitors go to the centre in family groups. Awareness of the membership program is considerably lower among non-members recently interviewed etc. So you can see something of the breadth of that particular survey.

I mentioned in my opening remarks that there are some very intangible benefits of a centre, as in career choices, that are going to be very hard to measure because of the long-term implications of planting the seed, having it germinate and having some action taken on it.

In the business of surveys, I should point out that Science North itself has some questionnaires which it uses in a number of ways. Jim, do you want to describe some of those?

Mr Marchbank: We do daily surveys of our audience and compile those quarterly, which is where some of the statistics you saw yesterday are, and some of the questions are similar to the questions that our chair just referred to. They're not what I would call in-depth quality analyses, but they do give us the opportunity to ask people what it is they like and what they don't like.

In addition to that, we try to get feedback, as I think Donna Salem mentioned to you yesterday, on our outreach programs, our school programs. We do a great deal of self-analysis. Every school program, for example, is checked out by staff working in preparation for those programs before they're delivered, and then there are follow-up checks on the quality and feedback with the schools. We also have an advisory committee from the local school systems, which gives us direct feedback on those kinds of programs.

We involve the community through working groups. The chair referred to having become involved first in Science North by working on a working group, so we bring in outside scientific expertise and knowledge to work with our staff, not only to maintain currency and relevance, but also to provide external perspectives and some external input on quality.

We launched a symposium of professionals from the science centre community for one day last October to look at this question and to have them go around and spend some time looking at how they assessed Science North. We began, first of all, by having them in discussion groups on just what is quality in a science centre, because it's extremely difficult to define. We've continued from that symposium with a sub-committee of the science program committee of the board and a group of staff looking at this whole question of how we measure quality within the centre and how we measure it against our characteristics of excellence, which Jennifer Pink outlined to you yesterday as well.

We try to address the issue, I guess, on a multitude of fronts, recognizing that it's an imperfect art, but trying to be consciously aware of the issue.

Mr Reed: If I could just add to those comments something about that particular symposium, here was Science North

asking its peers to please help us judge how well we were doing by the standards which Science North has laboriously put in place. This was a symposium which involved people from an association of science centres, and in that association we have received a lot of kudos for the leadership Science North has shown in formulating, as some would say, the next generation of science centres.

The results of that symposium have been summarized, including some of the closing speeches by people from outside Science North. If that material is of interest to the committee, it could be forwarded to the committee.

Mr Marchese: The Big Nickel Mine, we know from the little discussion we've had and some of the research, is not doing very well in terms of generating money. Also, I think you stated yourself yesterday, it needs to be updated, renewed somehow. The question I would have is, if it isn't working now, do you feel that the money that it takes to regenerate it will be worth that money in the end in terms of what you might recover? Should you be looking at something else, instead of trying to restore and renew something that in the end we will have no sense of how effective it will be?

1030

Mr Marchbank: That's a very interesting question. It is not doing all we would like it to do now, because the experience is not as participatory or as experiential as we would like it to be. It's very much a kind of guided tour with guides talking at you, as opposed to the involvement sense that you get at Science North.

In addition to that, the exhibits that are underground are of old-fashioned mining technology. We believe, however, that it's possible to change that to give people an experience underground within the bounds of safety—it will perhaps not be as experiential as Science North but will be a considerable improvement on what is there now—and combined with some enhanced surface facilities, would allow some change that would encourage people to return, would encourage local people—and by local I mean all of northern Ontario—to have some pride in it. There's a very strong mining culture heritage in northern Ontario and we believe it's possible to do that.

The Big Nickel Mine, I should hasten to add, is not a draw on the operation at the moment. Without calculating overhead, it basically does slightly better than break even.

Our development plan for the mine, while expensive in the \$13- or \$14-million range, also projects that it would continue to break even or do slightly better, that the attendance would rise from about 60,000 to over 100,000. Given the relative numbers we do at Science North, we think those are reasonable and that it would break even.

I guess the question is, is it worth the capital investment? We think it is. However, I guess in answer to part of the balance of your question, it has not been at the top of our priority list, although it's moving closer. Our first priority, I guess, in the last three or four years has been the arena and the expansion involved in that and the expansion of program that makes possible, and the completion of Shooting Star, which was a very major project for us and a very major part of our renewal. As I've indicated, we're now looking at an IMAX theatre and I think it's fair to say that as a major project, the Big Nickel Mine would come after that.

Mr Sterling: Could I just—

Dr Reed: Last year, 202,000.

Mr Marchbank: Could I just clarify that? There were 202,000 at the Science Centre and 60,000 at the Big Nickel Mine, so the total is 262,000.

Mr James J. Bradley (St Catharines): How many of the people are doing that, if I'm allowed a free question, if I can, Norm? How many of the people are going to the same attraction on the same day, go to one and then walk—no, they can't walk over—drive over and go to the other?

Mr Marchbank: Not enough.

Dr Reed: Cross-selling is one of our big—

Mr Marchbank: It's like cross-border shopping. You try and double-sell the attractions. I believe the number is about 12,000, so those would be double-counted if that's the question you're asking.

The Chair: You're also double-charged.

Mr Marchbank: Yes.

Mr Marchese: On the question I had asked in terms of the Big Nickel Mine in terms of the priorities in what you want to do, was this whole question of putting in the capital costs for the Big Nickel Mine dealt with in terms of projections of possible recovery of costs or possibly even making money? Has that been dealt with by the board and staff or are you likely to look at this again?

Mr Marchbank: It hasn't been dealt with in detail recently. The plan we have was adopted, if I'm not mistaken, in the fall of 1990, so it's about two years since it was adopted. We were very clear, I guess, at that time that our first priority was the expansion and the change involved in assuming the arena, and that the second priority in terms of capital was Shooting Star. So to that extent, the Big Nickel Mine was put on the back burner.

But the development plan—we had an economic analysis done as part of it and it was very clear that at the attendance levels projected it would do better than break even, assuming that the capital were paid off.

I think the question you raise is a good one, because I think before we proceed again, we need to go back and revisit those assumptions in the light of more recent experience and renew it. But I think it's fair to say that the commitment to proceed with that is there.

Mr Marchese: Okay. You talked briefly about IMAX. Perhaps you could give us a bit of background to that, and in the background you might want to talk about what capital costs we're talking about, if you have those figures, and included in that, do you have a sense of what the private sector contribution might be at this time?

Mr Marchbank: We decided to look at IMAX probably a couple of years ago but didn't move quickly on it, again, until we had completed Shooting Star. We're very careful about taking on projects and successfully completing them and successfully funding them. But the attraction that IMAX holds for us is that it is a unique experience. It is an experience that you can't get in other film theatres, and the library of films that is available is now very extensive in the fields of science and natural history.

The combination of an IMAX theatre with a science centre, while it doesn't occur in Ontario, is very common around the world. There are over 80 IMAX theatres around the world. Over 30 of them are associated with science centres or natural history museums. It holds the possibility of a unique experience for us, an ability to change programming to encourage this repeat attendance which is essential in our market. The experience of most science centres with IMAXs is that the IMAXs are profitable, usually when the capital is paid off, and they boost the attendance of the science centre itself because of this repeat attendance, and that is crucial to us.

Once we had completed Shooting Star, we commissioned a feasibility study. The capital cost estimate is about \$5.55 million for the whole capital and startup costs. The rough projection of the operating situation is that in the first year the revenues would be a shade over \$900,000 and the expenses would be about \$800,000, with a net of \$113,000. The pro forma for seven years has the profit projected at slightly above or slightly below \$100,000 per year over the seven years. Again, we're fairly confident that those numbers are accurate.

I should add that one of the things that also prompted us to take a very close look at IMAX, because we had an initial concern about market size, was the experience in Regina, where the Saskatchewan Science Centre has constructed an IMAX, opened it in April 1991, and it has been successful, and Regina is a market that's marginally larger than Sudbury.

How much of the \$5.5 million would be paid for by the private sector? My guess is in the 10% to 20% range. I should point out to you, if you think that's low, as I suspect you do, that Sudbury is quite different from other cities in the province in terms of our ability to raise funds. You normally raise funds in a community from your large employers, and Sudbury's large employers, the two largest, are Inco and Falconbridge and they're both not in good financial shape at the moment. About the next seven or eight large employers in Sudbury are in the public sector and therefore not in the giving business in terms of donations. We live in a unique community in that sense, so I hope that answers some of your question.

Mr Bradley: Less unique than you think these days.

Mr Marchbank: Yes.

Mr Marchese: Jim, I wanted to ask another question having to do with your operating funds and what you generate. The operating funds are approximately \$3-million-something and you generate \$2-million-something. Personally, I believe that what you're able to generate is quite impressive. Do you know how that compares with other agencies connected to the government in terms of operating expenses and what they are able to generate?

Mr Marchbank: Some of those figures, Mr Marchese, were in our 1992 strategic plan. They are therefore probably about a year out of date but I think in relative terms still fairly valid. Our admission charge was and still is the highest of any of the cultural agencies in the province. Our admission charge today is \$7.50. No other agency charges that much. The Royal Ontario Museum and the Ontario Science Centre are less than that. I understand the Art Gallery of Ontario, when it opens on Sunday, will have a \$7.50 admission price, so they're matching us.

We collect the highest amount of revenue in admission charges from each visitor. We also did a comparison of what is called gross non-admission revenue per visitor. I don't mean to confuse you, but that's basically other revenue like parking, membership, gross sales on food, gross sales on gift shops.

We were able to get some figures for other cultural agencies that were prepared by Ernst and Young in a report for MCC in spring 1991. This was a report dealing with the Icon project in Brantford. That showed that Science North, of those agencies picked—and the other three that we were able to get numbers for were the AGO, the ROM and the Ontario Science Centre—our gross non-admission revenue per visitor was the highest.

1040

In terms of operating costs, we haven't done specific comparisons, but we have of the government subsidy, if that's what your question was alluding to. I guess what I'd say is that we are the highest in terms of per visitor revenue-raising. We also believe that we're the lowest in terms of per visitor subsidy and also subsidy per square foot of exhibit space.

It's difficult to compare an art gallery or even the Ontario Science Centre with Science North. We're all different and we all have differing responsibilities and differing mandates, but it seems to us that one reasonable comparison is the public subsidy per visitor, and the other is that we're all in the business of programming public exhibit space. Science North's subsidy from MCC per visitor and per square foot of exhibit space is the lowest of the attraction agencies of MCC.

Mr Sterling: What is that subsidy?

Mr Marchbank: Which one?

Mr Sterling: Per visitor.

Mr Marchbank: In 1991, it was \$13.49 at Science North. I could give you the others.

The Chair: I have a supplementary point here. The argument could be made that although these figures are impressive, you're comparing them with other agencies that fall under the Ministry of Culture and Communications, and then argument could be made that perhaps that is not an appropriate placement for your operation.

You're comparing it with places, like the McMichael gallery, which are certainly not big drawers of the public, but I know you try to make an argument as well in here in respect to your placement under the ministry of culture, but it's one I don't necessarily share. I just wanted to make that point.

Mr Marchbank: If I may, I agree with you and that's why I included the caveat that we are all different and that these are not perfect comparisons. I think that's why we picked two, and none of us have ever argued we should have perfect parity with X, Y or Z of the others. We simply use them as a general guide. I think if there is one of the other four that we pick that is most relevant, it's probably the Ontario Science Centre, but even there, there are differences and we acknowledge that. We're simply trying to get some sense of relativity. Relativity vis-à-vis MCC agencies, I acknowledge is that we're—

The Chair: Mr Marchese, we're over 20 minutes with you but you've had a few interruptions, so I'll give you another question at this point, if you want.

Mr Marchese: That's fine. I just want to take the opportunity, because I should have said this in my introductory remarks, to congratulate Science North for a number of things. First of all, I think we had a very palpable experience at Science North and that's what it's intended to do, and we certainly had that in our visit.

I think the outreach programs that you're involved in are extraordinary. I think it's what the northern community needs and Science North is providing that. Overall, in terms of my knowledge and experience of agencies, Science North runs a very lean organization.

Mr Bernard Grandmaître (Ottawa East): Let's talk about your base operating grant. In 1992-93, it was increased by \$200,000, if I'm not mistaken. This appears in your operating plan of 1992-94 on page 3. That's the little blue book, something like your blue coats. I don't know why you don't change them to red coats and red books.

The Chair: They're looking to the future.

Interjections.

Mr Grandmaître: I knew this province was going backwards.

Mr Marchbank: I thought about that yesterday, you know. I can explain the colour.

Interjection: Please do.

Mr Marchbank: The colour of blue is very deliberate and it comes from the snowflake and the ice crystal from blue ice—

Mr Marchese: That's too practical.

Mr Marchbank: —and that's consistent with the building, the logo and everything else.

Mr Grandmaître: Very good. Let's go back to today. In 1992-93, your base operating grant was increased by \$200,000. When I look at page 19 of the operating plan, under "Revenue: MCC base operating grant," \$3.4 million, and then 1993, 1994, 1995, 1996, 1997, there's a steady base operating grant increase of about \$90,000, I think. How did you work this out? You must be the only agency in the province of Ontario that's guaranteed an increase in your base operating grant. How did you swing this?

Mr Marchbank: I wish we were, Mr Grandmaître, but we're not guaranteed that. This was part of our request and submission to the ministry. We're asked to submit multi-year plans, and if you look at our strategic plan, we ask for much more, basically on our argument that we were underfunded. I think it's fair to say that we've backpedalled that argument considerably since the recession hit.

The increases that you see here are in fact the inflation increases projected by the treasury department, but we have no guarantee of that, and I can tell you that from our knowledge of where next year's grant is going to be, we do not expect that. So we, like others, are adjusting to the reality of today.

Mr Grandmaître: So these are only projections.

Mr Marchbank: Yes.

Mr Grandmaître: There hasn't been a firm commitment from the ministry to increase your base grant.

Mr Marchbank: Absolutely not; no.

Mr Grandmaître: When I look at your financial statement of March 31, 1991—that's the grey book: Science North, Financial Statements, March 31. Do you have this?

Mr Marchbank: I don't have a copy of that. I have the 1991-92 annual—

Mr Grandmaître: I'm looking at your revenues for the end of March 31, 1991. It says here, under operating, \$3 million. Even with an increase of \$200,000 in 1992-93, when I look at your operating plans for 1992-93, your base operating grant is \$3.4 million. Do you follow me?

Mr Marchbank: Yes.

Mr Grandmaître: That's on page 19 of the blue book again. It says here \$3.4 million, and in your financial report for 1991, it's listed as \$3.2 million, so there's a discrepancy of \$200,000. Do you follow me?

Mr Marchbank: I follow you. I think what we're missing is a year. The financial statement is for the year 1990-91, ending March 31, 1991, and the base operating grant for that year was \$3,008,900. For 1991-92, the base operating grant was \$3,186,800.

Mr Grandmaître: So for the last two years, your base operating grant has been increased.

Mr Marchbank: Yes. I'd have to do the numbers, but if I can just walk you through that, from \$3.009 million to \$3.186 million is, I believe, about 6% in 1991-92. After that was awarded to us, if you will, \$3.186 million, we had another adjustment at the very end of 1991-92 of some \$28,000 that had to do with pay equity, which would bring the actual final number for 1991-92 to \$3.215 million. Then at the beginning or slightly into 1992-93, which is this fiscal, we received the \$200,000 boost to our base, which is what brings it to \$3.415 million.

1050

May I clarify something on that so it doesn't appear the large increase came in isolation? It doesn't show in our financial statements, but it does in our budgets. In 1991-92, we had a revenue called "Other government grants" which are government grants other than the MCC base. They totalled \$395,000, almost \$400,000.

The largest component of that was a two-year special grant we received in March 1990 from the former minister, Christine Hart, to be spent over two years, ie, 1991 and 1991-92, to expand our outreach program. The \$400,000 we were given we invested in a special fund and interest rates at that point were high and it became, in effect, about \$475,000 over the two-year life of the grant that was devoted to outreach. Its having been a two-year grant, of course, one of the conditions was that we spend it within the two years, so it was fully spent by March 31, 1992.

We then were in a position of having to reduce services if we were to not continue with that funding, and we made the case to MCC and to the current minister and that's, I think, how we resulted in the \$200,000 increase to the base. It was to maintain outreach service which had been initiated going back to 1990, so that "Other government grants" revenue line in our budget in 1991-92, which was \$395,000, in 1992-93 dropped to \$150,000. It dropped by almost a quarter of a million dollars. The net effect of the amount being received

from governments was in fact a slight decline, and our overall budget from 1991-92 to 1992-93 declined by about 1%. I hope that gives some perspective.

Mr Grandmaître: Yes, but what I'm getting at, Jim, is that, looking at your base operating grants, they seem to be increasing, and you agreed with me that back in 1989-90—did you say 1989-90 or 1991?

Mr Marchbank: 1990-91.

Mr Grandmaître: So it's only in the last two years that your base operating grant has increased, right? How about the previous years?

Mr Marchbank: It has, I think, increased each year since we became an agency in 1986, by varying percentages.

Mr Grandmaître: Every year?

Mr Marchbank: The base operating grant, yes, every year.

Mr Grandmaître: You're very fortunate, because municipalities, schools and everybody else—their base has not increased, so you must be the chosen one.

Mr Marchbank: I don't have the figures at my fingertips, but other than these two years we've dealt with, I can tell you that our increases through the late 1980s into 1990 were below the rate of inflation, and I think it's fair to say that in the same time period there were school boards and hospitals and others in the so-called MUSH sector which were getting increases in the order of 6%, 7%, 8%.

Mr Grandmaître: The last time they received 6%, Jim, was back in 1984-85. Anyway, I'm not going to argue with that.

Mr McLean was asking you about salary increases and who decides the salary increases and so on and so forth. There's a note on page 3 of, again, your blue book, your 1992-94 operating plan. Full-time staffing is 10% less than a year ago. Through attrition, part-time staffing has been cut by over 20%. I think Mr McLean was asking you how come there was such an increase in salaries. How come you cut back on staff and yet salaries were increasing? That's on page 3, Jim, of your 1992-94 operating plan.

Mr Marchbank: The 10% is in fact an error through the draft of this. It's less than that. The number of full-time staff this fiscal versus last fiscal has been reduced from about 72 to 67, so that's probably in the 7% to 8% range. There was cutting of part-time staff levels, and I use the word "levels" because there were some changes in hours and those kinds of things.

The reason for that, and we're talking here of 1991-92 into 1992-93, was that we undertook internally extensive reviews of our operation from late 1991 through the first quarter of 1992 because we expected this drop in government funding in 1992-93, which didn't materialize to the extent that we expected it but nevertheless overall was a slight drop.

We also had been experiencing, I should add, some failure to achieve our targets for self-generated revenue because, while we've talked here about our 1992 attendance being up, our 1990 and 1991 attendance was down and we were experiencing some of the effects of the recession. So we were adopting and did adopt this year a budget which is lower in absolute terms than last year.

At the same time as we adopted a budget lower, as a result of the internal reviews we redirected increased funding into three areas. One is our van outreach program in northern

Ontario; the other is the community programs, the children's workshops in northern Ontario; and the third area is the special events programming at the science centre in Sudbury, for the reasons that I've mentioned.

We increased spending in those three areas within the budget. We also increased spending on the part-time staff who are there or who remained. Our part-time staff pay plan, the bottom end of it is on the minimum wage, so that when the minimum wage increases, our part-time costs increase and we've had to budget in the last two years for increases in the range of 6% to 8% for part-time staff because of those increases. In addition, as I indicated, the increase in full-time salaries at the beginning of this year was about 2%.

So there were five areas of increased expenditure, at the same time as we're operating within an overall operating budget that declined by 1%. It is these contractions, which I emphasize were done through attrition, and increases, I guess, in operating efficiency, that make those kinds of increases possible within a decreased overall budget.

Mr Grandmaître: Okay, Jim, again, on your 1992-94 operating plan, on page 4, capital funding, you've done well with Jobs Ontario.

Mr Marchbank: Very well.

Mr Grandmaître: Can you tell me about this? You'll be getting what—

Mr Marchese: What connections do you have, Jim?

Mr Grandmaître: Yes, I want to know. You must be well planted.

Mr John C. Cleary (Cornwall): You must have done very well in Vanier, didn't you?

Mr Grandmaître: Oh, yes. I count, what, four different Jobs Ontario projects in 1992-94. Can you tell me about these Jobs Ontario programs?

Mr Marchbank: Yes, I can.

Mr Grandmaître: What I'm getting at is, how did you come across these programs? I know that it's a popular program as far as the government is concerned, but I want to know. Northern Ontario is a big, big area and the rest of the province—well, let's talk about northern Ontario for instance, Sault Ste Marie. You know, they're complaining that they're not getting their fair share. When you look at page 4 of your plan for the next couple of years, I'm looking at, what, over \$2 million, and the rest of northern Ontario is quite upset that you're getting those dollars, so I want you to tell me how come they picked you.

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Mr Marchbank: Let me try to answer that in several ways. As I explained I think to you yesterday and I hope is evident in the material that has been provided to you, Science North has a strong commitment to its mandate, a strong commitment to its mission and has a very clear set of priorities of what it wants to do, including what its major capital projects are.

It also, in my view, does a pretty good job of planning those projects and, as a result, when programs like Jobs Ontario which are designed to stimulate the economy rapidly come along, Science North is well positioned to take advantage of those programs and to use those funds for investments that fit

with the centre's long-term goals and we hope fit with our responsibility to fulfil our mandate.

We also have a record I think of managing those capital projects well, and as a result there's perhaps some confidence that they will be invested well when they're given. I think that perhaps is a reasonable summary. Sorry, Mr Chair, I'm jumping ahead of you.

Dr Reed: I'd just like to add that this is part and parcel of what I said about good grantsmanship skills at Science North and good management skills in the CEO and the managers at Science North. We've got many plans on hold because of there not being sufficient funds for those plans to be put in place, and at such time as the funds do become available through legitimate means, we certainly compete for them. We appreciate that there are others who are also desiring resources from various programs, but I would implore that they apply and apply assiduously and with as much advance preparation as Science North has been able to do.

Mr Marchbank: I would just add perhaps the more specific answer to your question is that we access the funds, of course, through the Ministry of Culture and Communications and we are in fairly continuous contact with the ministry and the ministry is very well aware of our plans and where we want to go. Ministries I guess have access to these government-wide programs when they become available and they know the kinds of things we can do when that occurs.

Mr Grandmaître: Let's talk about one of those projects, \$900,000 to redevelop the visitors' entrance at the Bell Grove Arena. Let's go back to this. This arena was owned by the city of Sudbury, right? And it was sold?

Mr Marchbank: Yes.

Mr Grandmaître: For how much?

Mr Marchbank: For \$2.535 million.

Mr Grandmaître: Where did you get the money to buy this arena?

Mr Marchbank: From the Ministry of Culture and Communications as a capital grant.

Mr Grandmaître: As a capital grant?

Mr Marchbank: Yes.

Mr Grandmaître: Total dollars.

Mr Marchbank: Yes.

Mr Grandmaître: This arena had to be replaced by the city of Sudbury, right?

Mr Marchbank: Yes.

Mr Grandmaître: Was it replaced?

Mr Marchbank: It is being constructed now and the construction will be finished this summer so that the city will have a replacement arena when hockey begins in September.

Mr Grandmaître: Maybe you don't know the answer to this one. What's the commitment of the city as far as cost is concerned and so on and so forth? Are they paying 25% and the province paying 75% of the replacement of this arena or what? Do you know?

Mr Marchbank: Yes, I know. Their total cost is somewhere over \$4 million for their replacement, not including land, I believe.

Mr Grandmaître: Not including land.

Mr Marchbank: And the sale cost involving the arena that Science North's buying did not include land. I say that because the city has purchased a very large piece of property to build its arena to be the anchor for a future recreation complex, so it's purchased something like 27 or 28 acres. The actual piece of land the arena, the Bell Grove Arena, the existing one, stands on is half an acre.

Of the difference, I guess, between the 2.5 and the four point whatever it is, I believe that the city has obtained some funding under an existing program of MTR for recreational facility subsidies on the incremental portion of their arena, and the city is paying the balance. The arena that they're building is a larger arena—in floor space it's about 25% larger, has extra facilities in it and I think has change rooms—to be the future anchor of this playing field's complex that will be around it. I believe they're also installing the mechanical systems to allow them in the future to build a second arena, therefore what's called twin pad; you have the mechanical systems for the two ice surfaces.

Mr Grandmaître: In other words, what you're telling me, Jim, is that it's not going to cost the taxpayers of Sudbury a whole lot, because of these subsidies.

Mr Marchese: Should Jim be answering that question?

Mr Marchbank: I think you have to recall that the taxpayers of Sudbury paid for the Bell Grove Arena that we're buying.

Mr Grandmaître: Did you ask your question, Rosario?

Mr Marchese: No, no, Bernard.

Mr Grandmaître: Thank you.

Mr Marchbank: Yes, the taxpayers of Sudbury paid for the arena that Science North is purchasing. What we're paying \$2.5 million for, the taxpayers of Sudbury paid when that arena was built, which was about 1971 or 1972.

Mr McLean: Less than \$1 million.

Mr Marchbank: I don't know what the specific cost was; I can tell you how we arrived at the price, if that's what you're getting at.

Mr Grandmaître: No, no; no, no, no.

Mr Marchese: He wants you to become a municipal councillor to answer those questions.

Mr Grandmaître: No, I want everybody to be responsible, Rosario, and that's impossible for your government to be. Thank you, Jim.

Mr Marchese: That was then, this is now.

Mr McLean: I'd like to direct a question to the chairman, I guess. Could you tell me how much the chief executive officer makes a year?

Dr Reed: I'd rather not. I know the ballpark figure. I have set the figure aside and I couldn't give you it accurate to more than \$2,000 or so.

Mr McLean: Just a ballpark figure.

Dr Reed: Mr Chairman, is this sort of information normally put into the public record?

The Chair: I think the ranges are usually public knowledge in any event, even for crown corporations.

Dr Reed: In the \$80,000 range.

Mr McLean: That's fine. The board has the authority to determine the centre's operation and its priorities, and the chief executive officer of the centre shall direct its operation and administration and shall be responsible to the board of trustees: How many work in the office of the administrator?

Dr Reed: That's a difficult question to answer because I see different people typing for different people, as it were. I have an organization chart which I'll just use to refer to, because of the open office concept which perhaps you saw yesterday. I would say there are probably two to three people committed perhaps, mainly the one, Joyce Elliott.

Mr McLean: Would they be part of the expenditures of the board and chief executive officer's office or would they be part of the operating salaries? In your expenditures, you have the board and chief executive officer as \$211,400. Does that just include the board of directors and the CEO?

Mr Marchbank: That includes two full-time salaries and benefits, myself and an administrative assistant, my travel and board travel and the cost of board meetings.

Dr Reed: In that connection, I might point out that we've got a marked increase in the level of costs for the board this year because of out-of-city appointments.

Mr McLean: I've seen somewhere there is a policy established with regard to expenditures for staff. I guess it's for travel and accommodation. What would that detail? Your board of directors?

Dr Reed: We haven't traditionally spent much on the board until this particular year. Yes, we are spending money on travel to board meetings now.

Mr McLean: If my memory serves me right, I read where somebody from Midland is appointed on the board of directors. Is that right?

Dr Reed: No.

Mr McLean: Or he was from Midland? There's a list—

Dr Reed: We do have out-of-town board members. They include one from Sault Ste Marie, one from the Cochrane area and one from Kapuskasing.

Mr McLean: All right.

Dr Reed: Sorry, Kapuskasing and Cobalt.

Mr McLean: How many are there in total? I did read that here somewhere.

Dr Reed: Eighteen are on the list.

Mr McLean: Eighteen. Thank you.

Dr Reed: You're welcome.

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Mr Daniel Waters (Muskoka-Georgian Bay): One of the things that I'm curious about, because Sudbury was an industrial town for a number of years with virtually no tourism—it was jokingly called the lunar landscape. All that is gone, and obviously you're the biggest act in town, probably in the entire northeastern region of the province if not the entire north.

I was wondering if you could indicate to us if you have any idea of the spinoff numbers into tourism in the area, how you've assisted those numbers, if indeed you're building an industry that wasn't there before, and how that is going.

Dr Reed: That's an excellent side benefit of Science North. Science North was created, as I said earlier, by Sudbury imagination, thinking not only of a science centre that has turned out to be remarkable but as a tourist centre. We do attract a number of tourists. It's very large. In fact the enormous number of tourists impresses even me. There are 1.7 million a year, travellers on roads going through town, which is a striking number.

We are able to attract quite a large number of our annual 202,000 from the tourist travel. Jim Marchbank, who is very closely attuned to tourism organizations, can give you the exact figures on the out-of-town versus in-town from some of our surveys, exact or approximate.

Mr Marchbank: I think the numbers you saw yesterday indicated that about a third of the audience comes from the regional municipality of Sudbury and the balance would come from outside. If you accept one definition that tourists are people who travel more than 40 miles, then the balance essentially are tourists. That's not to say that a number of them aren't day visitors from places like North Bay and Espanola and places that are close by.

In terms of our impact on tourism in the Sudbury area, one of the things I'd love to do is to actually do a study of just what it is. I don't know the answer; I can give you some anecdotal evidence. The expansion of the number of hotel rooms in the last eight years since Science North opened is significant. It's in the order of over 400 new hotel rooms in the city. I don't claim Science North is the sole reason for that, but it clearly has been a contributor.

Those kinds of impacts are clearly measurable, I think. Sudbury in Science North now has the most visited or the most popular tourist attraction in northern Ontario, where before Science North it was a pretty small play around the tourism scene.

Mr Bradley: So the lido is full every weekend.

Mr Waters: Unfortunately, I wasn't able to travel with the committee yesterday. But I was up doing a thing with the disabled games when they were in Sudbury last summer and we took the opportunity to sneak away from the games, my wife and I, and had a quick look at Science North. Unfortunately, I only had a couple of hours so it was a very quick look and I was impressed.

But one of the things that I noticed was—indeed I stayed in a new hotel next door—that the recreational facilities around Science North were indeed improved over what I had seen, the boating etc out on the lake, so I was wondering. I think it probably is one of the biggest boosts to tourism in the area.

Your educational program, the outreach part of it, I see you're expanding. Ms Martel announced something in the northwest on December 17 or is that Education?

Mr Marchbank: No, it's the Ministry of Northern Development and Mines.

Mr McLean: A million dollars.

Mr Waters: But it's a grant to you to go into the northwest?

Mr Marchbank: Yes.

Mr Waters: I guess overall you have something unique. In fact not too long ago we were talking to someone else from another museum-type thing with agriculture and talked about

education. I'd like some comments, I guess, on how you feel the program is going, if you feel that there are things that should be done better for the education of young people in the north, or whatever you as a group of people can do.

Dr Reed: Perhaps I can start, and again Jim Marchbank can fill in with specifics on what I forget. There are tremendous challenges available to Science North in delivering programs to far-flung areas in northern Ontario. In your travels yesterday, the committee members travelled 250 miles to Sudbury, and you can easily treble that distance going from Sudbury to some of the further-flung areas that we serve. We have people flying in to communities with animals the people have never seen before, with concepts they've never seen before and with science they've never touched before. We hope we're making a very great difference, not just the day of the visit but leaving something in the minds of those students, their parents and their teachers for some time to come.

With the details of the outreach program that affects the schools, we're into a variety of things, including even teacher preparation. There was a program for some of the northern teachers, now cancelled, which Science North's activities will help respond to in the absence of that and respond to in a Science North way, which we think is particularly successful. For details, I'll ask Jim Marchbank to mention some of the specifics of the particular programs which are involved in the grant recently from MNDM.

Mr Marchbank: There are two primary areas. First of all, I guess what's important is that the first part of our mandate talks about our responsibility to serve all of northern Ontario. We take that seriously and we want to expand service throughout northern Ontario. We've been able to do that to a large extent with special purpose kinds of funding like this. I mentioned some of that in my answer to Mr Grandmaître.

What this grant will enable us to do is to undertake a pretty significant expansion of our outreach programming. We will employ two staff who will live in Thunder Bay and will have a small base in Thunder Bay and deliver van-based outreach programs throughout northwestern Ontario. We currently serve that area from Sudbury but not as well as we would like, and obviously with people resident in Thunder Bay, we hope we will be able to do more of it and do it better.

In addition to the van programs, which largely go to schools but can go to libraries and community centres as well, we also will be running the children's science workshop programs in many of the communities of the northwest where we have not previously done so. That's one area where the grant will be used.

The other area is to provide support to science teachers at the elementary level. We run a fairly extensive program now, and we believe we need to enhance it, of daylong workshops for elementary school science teachers to make them more comfortable with teaching science in the elementary school classrooms, and therefore we hope to enhance science teaching in the province.

Those are the two principal areas in which the grant will be used. With a commitment, as it is, over three years, it gives us some stability in terms of trying to achieve that.

Mr Waters: I really commend you on the fact that you're promoting science, because if there's one thing I hear

from industry out there it's that we have to get our young people out of the arts sort of thing and into the sciences if we're going to be competitive. Obviously, you're moving towards that, trying to create that in young persons so that they can take appropriate training.

There were a couple of other things. I'm looking at where it says in here, "Does the agency's mandate overlap with that of some other government agency, including the federal government?" You mention that it "appears to give the Ontario Science Centre a mandate to serve all of Ontario." But in actual fact the Ontario Science Centre does not travel or anything like that, doesn't seem to do the program in the north, at least anything I've seen or heard as I travelled.

Dr Reed: I'm not aware of any recent visits from the Ontario Science Centre vans, and they've been a fairly interesting program in some cities in years gone by. In the vast area that we're covering—again I would emphasize the magnitude of this province which is so important to us all—if you drove from here to Sudbury yesterday—and I know you went by air, but if you drove—that was a day's drive, and it's two-and-a-half days' drive from Sudbury to where our satellite location is going to be in Thunder Bay. If you want to go to some of those other points in the far-flung northwest, you aren't going to drive there because there are no roads and so on.

With respect to the Ontario Science Centre in our area, Jim, do you have recollections in the recent past?

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Mr Marchbank: The Ontario Science Centre has done some things in northern Ontario. I'm not aware of anything they've done recently and I don't know all the details of their outreach program. I do know that it's a very different kind of style than ours. The two science centres are quite different.

Mr Waters: Your outreach, from what I've seen and things I've read, because some of your local members keep me updated seeing as how I'm with the Ministry of Tourism and Recreation—they have something about that. Your outreach is very much oriented to the history and indeed the whole community of the north. A lot of Science North seems to be very much hands-on northern things.

Mr Reed: I can respond a bit to that. Yes, in spades, because the northern emphasis is right in the mission statement. Like so many things Science North tries to do, it delivers. The business of Swap Shops is an excellent example of that, the concept that you don't just bring in a leaf, but you tell where the leaf came from and get extra points, and with that you're able to get parts of a starfish or whatever. It is a fascinating concept for collectors of all ages, and that concept has been exported to various centres in northern Ontario and it gets people, where they live, with science. It's a fabulously exportable thing and in fact it's in existence, not only in northern Ontario but in cities far from Sudbury.

The idea of the hands-on and the exhibitory having many levels of involvement, having a flexible exhibit, is very different in Science North's operations from those in many other centres.

Mr Waters: One last thing that I'd like to ask about, unless you have some comment on that—

Mr Marchbank: I was going to say that the other difference in the styles is that our outreach and our approach to science is relatively low-tech. It's a matter of bringing vans,

for example, to school gymnasiums and bringing out, literally, tool-boxes, as some of your colleagues saw yesterday, and dealing with the tools of science.

I want to caution that I don't know all the information but my recollection, for example, of having seen the Ontario Science Centre's presence in northern Ontario would be a particularly good exhibit called the Seeing Brain, but it's a very large exhibit that requires considerable setup time. It requires a couple of thousand square feet to set it up and then time to take it down. That restricts where you can go with it, where in our case, with vans we can roll into a community of 50 or 100 people and do things that involve people in science right there, and stay for a day and not a week or two weeks, if that's not necessary, and carry on. So there's a big difference in style and approach.

Mr Waters: Another thing I have great interest in is the disabled. I notice on the last page of whatever this is here, it says, "To date, efforts to find a foundation to fund it"—and I believe it's the disabled program—"have been unsuccessful." I would ask, is there a major problem with accessibility and the disabled? Does the board have any ideas on how to provide programming for the disabled community, and that throughout the north?

Mr Marchbank: I believe the foundation you're referring to that we were unable to find funding for was a specific effort to develop a summer children's workshop or children's science camp specifically for children who are speech- and hearing-impaired. We would still like to do that, because we have an area in Humansphere which deals with the senses and with speech and hearing. We have scientists with some knowledge in those areas and believe we could provide quality programming to those children. We'll continue to try and get the funding to provide that kind of program.

In terms of general access to our facilities in our building, 99% of the building is accessible. There's probably 1% where a mistake has been made and people can't get in. We try to correct those.

There is also a somewhat general problem that we're trying to address as we gradually renovate and change the place, and that is the countertop style, which I think you saw when you were there, and your colleagues would have seen yesterday. Some of those counters, because of their height, are not awfully convenient for people in wheelchairs. While people can get to them, they're in some cases too high, and we've been trying to introduce more flexibility into how we set things up to try and accommodate that, and that's an ongoing process.

Mr Waters: If my colleagues have anything—I can keep going?

The Chair: We have others who are interested in asking questions. We can come back to you. I'd like to ask a couple of quick questions myself before we move on to Mr Bradley. I was interested in the movie we saw yesterday, *Shooting Star*. I'm sure you won't mind, Mr Sterling, despite your frown. Have you got much feedback from the public in respect to that production?

Dr Reed: Yes, we have, Mr Chair, and we've had that from a number of areas. I was particularly struck by one piece of publicity that appeared in the *Anishnawbe* newspaper on

how *Shooting Star* treated the topics. The public I have met personally have been very enthusiastic about that film in terms of its quality and its imagination. Jim Marchbank may have a variety of kudos rolling in from other areas that he can mention.

Mr Marchbank: The best reaction, in my view, was the number of people who showed up in July and August. Our summer attendance was up by about 16% or 17%, largely, we think, because of *Shooting Star* and the very positive word of mouth surrounding its launch in mid to late June, and of course we built much of our summer marketing campaign around it. Other evidence I could give you would simply be anecdotal, but in general the vast majority has been positive.

The Chair: You're pleased with the response.

Dr Reed: As members will be aware, it's been a very lean year for other venues, other tourist attractions, in the province, so this increase is quite remarkable.

The Chair: How does that feedback you're getting jibe with your lack of success so far in terms of marketing the product elsewhere? We talked about this briefly yesterday. You seem to feel that it's a good product in terms of local and regional response but you're having a tough time selling it elsewhere.

Dr Reed: I've got some views which I'd like to express, and that is to say that it's a very small number of potential customers able to show this kind of film. We've gone to several of them already with some marketing. I don't think it's time to say it won't be sold. It is only true to say at the moment that it hasn't been sold to other locations too.

Mr Marchbank: I agree, obviously, with the Chair. The number of locations in which you can show what are called twin projector 3-D laser 70-millimetre films is limited and that is one of the limitations on selling it. Another limitation appears to be that it is perhaps a little too site-specific, and that means you have to get into some translation, if you will, of the context for other audiences. I think that's had some inhibition.

The other inhibition, which I hope will fade with time but it's one that is there now, is that anyone who was to buy or lease *Shooting Star* would not only have to have the 70-millimetre projectors, and some do, but they would have to acquire the 3-D laser projection system, and that adds an upfront capital cost, which is another impediment to our selling it. Those three reasons are part of the difficulty, and as I said to yesterday, I think future ones that we do will have to be in collaboration with other facilities that have the same kind of equipment.

The Chair: I wanted to tie that in briefly with your strategic plan in selling services of Science North. In your five-year revenue plan I don't see, unless it's buried in there somewhere, any reference to revenues derived from selling of services, certainly not specifically mentioned. I think you indicated to us yesterday, Jim, that it certainly hasn't been a big factor for you in terms of revenues.

You're required by the act to put any revenues you derive back into exhibits. I'm just wondering if that's been a deterrent in terms of efforts to market services and if you've really looked at this area perhaps as intently as you should have with respect to the falling revenues from the government, and certainly the constraints on government in the future.

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Mr Marchbank: That's an interesting question. We have looked at this issue, and as I indicated yesterday, we have been treading carefully. We're conscious of the difficulties other public sector organizations have had from time to time in sales and particularly in international sales. We are, I guess, to be fair, being a bit wary of what might have to be invested up front to try and make a major effort to achieve sales. You may have to make a significant investment without the guarantee of return. We're just cautious about treading into that.

The other dilemma for us is that when you get into it, there is an internal difficulty of managing the priorities between serving our prime area and meeting the other four parts of our mandate versus meeting that part vis-à-vis sales. As we've gone through some adjustment and turmoil over the last year, I think it's fair to say that area has not been at the top of our priority list. I think it's one that as we mature as an organization and as our management matures, we will look at, but we want to be careful that we don't get in there and make mistakes.

The Chair: Is the act a deterrent?

Mr Marchbank: No.

The Chair: I guess in the sense that all of these revenues have to go back into exhibits, maybe it would be more of an incentive if those revenues went into your general revenue fund. You have an opportunity with this committee. We're going to be making recommendations. I'd like to have your frank opinion in respect to that.

Dr Reed: I've reflected on it, having read the act's aspect of, yes, one puts money from consulting into exhibit development and a trust. But I see this as a definite incentive to scientists who might have to withstand the travel to get there, enjoy interaction as they're there and know that at the end of the tunnel, the end of the consulting, they've got exhibit development benefiting rather than being badly affected by available funds. I see it as a potential enhancement of the centre with this activity.

Like Jim, I see that we've got to be very careful, in getting into this activity, that we're still sticking to the knitting, so to speak, rather than just chasing money. It's got to be right for Science North and for the persons or agencies with whom we consult before we should be doing it. But I personally feel this is an excellent activity if well managed, and I expect it would be well managed.

The Chair: Based on your five-year forecast, though, it's still a pretty modest activity in terms of what you're looking at for the next few years.

Dr Reed: One observation is that just as we in Ontario and Canada are in tight times, some of our would-be clients are going to be experiencing tight times simultaneously.

The Chair: I just want to make the observation—and I'm not being critical at all; I don't want this to be misunderstood. I know, looking at your plan, that there are a lot of worthwhile goals here, but our researcher mentioned that you've been adjusting to the new realities and you do seem to be still in something of a growth mode. I can only relate to, say, something like the St Lawrence Parks Commission, an agency we looked at a few years ago, where they are pulling

in. There's talk about laying off at Old Fort Henry, which draws close to 400,000 people annually, and at Upper Canada Village. You seem to be still in a growth mode rather than a consolidation mode.

Dr Reed: If one looks at the earlier strategic plans and realizes one more time, of course, that we're relatively new on the scene, it's not too surprising that some of the earlier strategic plans involving various things that we would like to have seen in place by now are very much delayed.

With respect to being realistic, given the times which we've talked about earlier this morning, yes, Science North is going to have to live within its means; yes, Science North will be competing for funds that are available from a variety of sources; and yes, Science North will be looking for resources, such as the IMAX potential, in the near future, provided, of course, that it all fits within the knitting, to use that expression again.

Mr Marchbank: If I may, just on that transition, I think we are adjusting and have been adjusting to the new realities in our core operation. There are not increases, as I indicated, in this year's operating budget; it's down. So we've changed from this growth to one of trying to manage with existing resources.

There is still growth going on in one area, and that is the outreach area, and there is some growth coming in the capital area. But one of the things that's becoming increasingly clear to us, and we're having to adjust our capital plans, is that we can't be spending capital if it increases net operating costs, and that is causing us to undertake some change to our capital plan. So there is a very clear adjustment going on there from what a couple of years ago, I agree with you, was entirely an expansionist kind of viewpoint.

The Chair: Are you unionized?

Mr Marchbank: No.

Mr Bradley: And you're getting all those grants from the Ontario government? Wow.

The Chair: I just wanted to make one quick reference that it seems to be sort of a public sector mindset, in that you talk about being underpaid in comparison to the public sector in Sudbury. I just wonder, do you take a look at the private sector? How do you stand in respect of the private sector?

Mr Marchbank: It will vary from job category to job category. I guess I look at this not just from my own—

The Chair: Very few people in this society compare favourably with the public sector; let's face it.

Mr Marchbank: I think you have to look at the employment picture in Sudbury. We have employees who work for Science North. They are physically surrounded by the general hospital, Laurentian Hospital and Laurentian University. They deal with teachers in their day-to-day jobs every day. They also see the two largest private sector employers in Sudbury, which employ thousands of people, and therefore you come in contact with people who are employed by those two private sector organizations frequently. All of those are relatively highly paid.

We haven't done much recent documentation of this, because it's not the environment to be complaining loudly about it, but we did it about 18 months ago. I can tell you that

the secretaries who at that point were working outside my office earning about \$22,000 to \$23,000 a year could pick up the newspaper a couple of evenings a month and see advertisements for jobs with the Ontario government, where secretaries were being paid \$27,000, \$28,000 and \$29,000. It's not just my reality; it's the reality of those people working at that level and seeing that. I could give you similar examples for our scientists in contact with teachers who have relatively the same kinds of educational background and they're in the same kind of business.

The Chair: Fine. We'll move on to Mr Bradley and then Mr Sterling.

Mr McLean: Mr Chair, could I ask what we're going to do with regard to adjournment? As I understand it, they'll be back this afternoon.

The Chair: Yes.

Mr McLean: Are we going to adjourn early and come back at 1:30? The reason for the early adjournment is that there's an important occasion on, with a Rhodes scholar who's being sworn in, and I was kind of interested in seeing part of that.

The Chair: I don't know about being back at 1:30, because our witnesses have an appointment. I think we're still looking at 2 o'clock, are we not?

Mr Marchbank: Even a little beyond 2.

The Chair: I think 2:15 would be even more comfortable. We'll still hope to adjourn around 12 or 12:15 at the latest. I know you'd like to catch the Clinton speech, so we'll try to break by the noonhour.

1140

Mr Bradley: My question relates to trying again to determine how you can interest more people from outside of the region in visiting your exhibits. As the Chair has pointed out, essentially this appears to be attracting regional people, which isn't all that bad, but they're not coming in from Saskatchewan in great numbers or Quebec or Port Colborne to visit, it seems, although there may well be some people who, if they happen to be in Sudbury, might do it.

You're looking to a certain extent to be a magnet. Have you given any consideration or done any study as to how you think your attendance would increase if the promise of the Premier to four-lane Highway 69 were to be fulfilled? I won't be alive when they're finished. I've travelled Highway 69, and I know it's a deterrent, if anything: It's a very dangerous highway. There are some sections where you can go off on the side and then race the truck back to the middle and see if you can make it. It's a little bit of a risky proposition.

I say this with a smile on my face, but let's take the Premier's promise out of it and ask, how do you think that would affect your visitorship, if you were to have a four-lane highway from Toronto to Sudbury?

Mr Marchbank: I think it's fair to say that anything that improves the accessibility and increases the safety of getting to Sudbury or any other part of northern Ontario might encourage more people to come.

Mr Bradley: It's more that highway; I know Highway 17 is also important to people in the area, but in terms of strictly this particular operation, one would anticipate that

you may have more visitors if they could get there (a) more quickly and (b) more safely. I guess that's a fairly logical conclusion one would come to, but you haven't done any particular studies on that?

Mr Marchbank: We have done no studies on that, no.

Mr Bradley: We're not sitting here with the place packed with news media people, so perhaps this is an easier question for you to answer: How much serious consideration are you giving to discontinuing the operation of the Big Nickel?

Mr Marchbank: We are not. I think it's fair to say that it hasn't been discussed in a board or strategic planning sense, to my recollection, since prior to our 1990 strategic plan, so that would have been the summer of 1989.

I want to be careful that I don't leave you with the wrong impression when I say negative things about the Big Nickel Mine. I mean the negative things and there are weaknesses to it, but at the same time, there are strengths there. One of the strengths is that we have an existing investment in an underground experience that is not available anywhere else, cannot be recreated in the way it exists at our science centre site and does now have a base audience of 60,000 people. If you look at mining-type attractions within Ontario or even elsewhere, 60,000 people is, in relative terms, very high. While I can be critical of its weaknesses, there are strengths, and I guess it's our desire to build on the strengths and to improve the mine, so we have not had any recent discussion of closing it.

It's fair to say that if there isn't funding invested in it—and we are in fact investing some Jobs Ontario funding in it this winter to do some improvements to it—I think we have the view, and we came to the conclusion in our 1989 discussions, that if there wasn't significant investment in it and significant improvement to it, we were likely looking at a picture of continuing declines in attendance.

Until this year, that has been our experience for five years. We were able to arrest that decline this year and have a marginal increase, but I still hold the view that if we don't significantly improve the visitor experience at the mine, what we can look forward to is a continual decline in attendance. However, as I indicated to Mr Marchese, it is not a financial drag on the operation, so that can probably be maintained for some time.

Dr Reed: In recollection of committee and board discussions, it's been consistently bruited that we've been concerned not so much with closing the operation as bringing it up to the standard that Science North has elsewhere and expects in each of its exhibits. It's not a case of closing it down that has been uppermost in our minds but how to improve it and how to afford the improvement of it.

Mr Bradley: I drew the conclusion on Monday, though, that if we lived in a world where—for instance, the Sudbury Memorial Hospital is not going to get an increase next year; it's going to get a zero increase, according to the formula for increases in the regional municipality of Sudbury and so on. If that formula were to be applied and you had to make a choice between the new IMAX theatre, which might be a magnet for people, or putting money into the mine, my understanding was that, given that choice—you haven't made a decision yet, but certainly a lot of factors point to the IMAX.

Dr Reed: Yes, and I would add that this wouldn't kill our desire to improve the Big Nickel when we're able to.

Mr Bradley: Are there tours of mines that take place in the private sector, the Frood Mine or something like that, where people can go on a tour outside of your operation, that Inco or Falconbridge will take them down a mine, or is that just for visiting politicians?

Dr Reed: I'd be delighted to respond to that question. You're very favoured if you've been down in the mines. Take, for example, the spectacular Sudbury neutrino observatory, which is a very deep, very big hole in the ground, and everybody wants to see this very deep, big hole in the ground.

Mr Bradley: For which they paid millions of dollars, yes.

Dr Reed: At the same time, Inco is understandably interested in pulling rock out and bringing miners down and up in the same shafts the would-be visitors want to use, so it's a very constrained approach to any operating mine, as a result. Therefore, the access that Jim Marchbank has mentioned as being a relatively rare experience of going into this mine, albeit a shallow one, is quite to be valued.

I would also point out that there's another dimension to the Big Nickel Mine; that is, some companies on our doorstep very friendly to the idea of the mining heritage in Sudbury but, as Jim Marchbank pointed out earlier, fairly constrained by their own budgets given the price of nickel at the moment; that, we all hope, will change.

Mr Bradley: Is it the Creighton Mine where they have the neutrinos?

Dr Reed: That's right.

Mr Bradley: So a person can't go down and see these neutrinos.

Dr Reed: You may, but it's going to be very difficult for the general public, very difficult.

Mr Bradley: It was a very interesting project when it came before the previous cabinet to be approved. I found it a very interesting project indeed.

Dr Reed: Could I just mention in connection with the Sudbury neutrino observatory that because of the limitations of access, it's a lovely opportunity for Science North, on the doorstep of that, to try to explain aspects of what the experiment is for and try to have some exchange of data on a real-time basis so that visitors from far and wide can learn more about the very interesting science done on their doorstep.

Jim, you wanted to mention something on this question.

Mr Marchbank: I was just going to be coming back to your previous question about access to private sector facilities. There's no public access underground to the mines. However, part of our operation at the Big Nickel Mine is a summer bus tour called the Path of Discovery, which is supported by Inco Ltd and which is a surface tour of geology and industrial plants that complements the underground experience. That bus gains access to Inco property, where they can see things like the Frood open pit, which is not visible from any public highway, and also go through the base of the superstack, which people are interested in doing, and get into one or two of the plants. It changes, depending on production schedules. We have an association, if you will, with Inco, in

cooperation with the mine, that gives people access to some of those facilities.

Mr Bradley: Are you heading to your meeting soon? I'll just ask you another question. Are we safe to say that you have supplanted the slag dump as the number one attraction in Sudbury now in terms of scientific phenomena? That used to be the number one attraction, the slag dump. Anybody who came to Sudbury when I lived there, if they said, "What can we do?" I said, "Well, let's go and watch the slag dump." It was quite a thing to see, this molten stuff going down, if they hadn't seen a thing like that before.

Dr Reed: If I could respond to that, the answer is yes, in spades. On occasion, you can still see the slag dumped in town. You can see it also disguised as a volcano erupting in Shooting Star. I would point out, though, that Sudburians and northern Ontarians are saying to people, "You're in town, you're not interested in doing touristy things, but by God, you've got to see Science North." I think it really is a phenomenon in town, of public recognition, support and pride.

1150

Mr Bradley: It certainly would be good to see more people attracted there from other places. I don't know whether the Ministry of Industry and—sorry, I'm ahead of myself; I'm waiting for the Premier's shuffle; it's not in with Industry yet—that the Ministry of Tourism and Recreation will be able to assist more in that regard. I think once people saw Sudbury and what's there—a lot of people have the old impression of years ago when there was nothing growing around there, before we had the Countdown Acid Rain program. Now that it's green and there are lots of things in Sudbury, Mr Chair, it's a good attraction; I mean, a lot of people could be attracted. To me, this can be the magnet that would pull people who aren't just going to fish and hunt—that's important—but people who aren't just going to fish and hunt and enjoy a cottage but want to see other things of a touristy nature in Sudbury. If we could really market that in other parts of Ontario, it seems to me an excellent opportunity for revenue and for people to enjoy something in the province.

Dr Reed: I agree with you that marketing is a very important aspect of Science North's budget each year, with respect to impact on budget. We certainly enjoy cooperation with a number of sources: federal government, provincial government, local tourism operators. We look at cross-selling our own events in combination with others etc. If there are new ways that we haven't tried yet, we'd be delighted to learn of them, and most certainly exercise all the ways we know and can afford and can cajole people into producing for us.

Mr Bradley: Thanks. If other members have—or do these people have to go to a meeting or something?

The Chair: I think we can still go until noonhour, in any event. Mr Abel.

Mr Donald Abel (Wentworth North): Thanks. I had a whole page of questions here, but between Mr Waters and Mr Marchese, they've all been asked, so this is more of a comment than anything else.

The Chair: Mr Abel, let's give you five minutes, how's that? Then we'll break so everyone can catch the Clinton who wants to catch it.

Mr Abel: This was my fourth visit to Sudbury over the years. On Monday, Jim Bradley made the comment that once I got to Sudbury, I'd never want to return to Flamborough. Well, I've enjoyed my visits to Sudbury, but there is no place like home.

I was very impressed with what I saw at Science North. It was my first time there. In fact, the only regret I have is not having my family with me to share the experience. Mr Waters had commented on the accessibility aspect, and that's one thing I'm very aware of. My son was in an accident that left him paralysed from the chest down, so when I go to facilities like this, that's usually the first thing I'm looking for. I couldn't think of anything he wouldn't be able to get at, so with that, I was very impressed.

We have your figures here from the past, the future and projected figures. It would appear that you're doing quite well. Some of the things I saw at the facility, one in particular, trying to balance those 10 spikes on the head of one, I found very fascinating. I'm going to keep working on that and try to perfect that now that I know the secret to doing it; I think I'm going to have to work on that a little bit.

Anyway, I don't want to take up any time for questions, but I'd just like to comment that I'm very impressed with what I saw, and in my opinion, and I know a lot of my colleagues share the opinion, you're doing an excellent job.

Dr Reed: Thank you.

Mr Brad Ward (Brantford): I just have one quick question.

The Chair: Okay, go ahead.

Mr Ward: You mentioned your plans to hopefully sell Shooting Star to other countries or interested facilities. You also have another 3-D film, Wilderness. Is that in any way dated? Because I know we talked about bringing that back and showing it and putting Shooting Star on the shelf for a couple of years and then rotating them until financing can be made for possibly a third feature. Have you considered offering the two of them as a package when you're approaching other institutions in different areas to possibly purchase the films?

Dr Reed: Let me just say that I think Wilderness is timeless but has been seen many times by Sudburians, so that component of our market dearly needed a new film. With respect to its reintroduction in Sudbury, after the excitement of Shooting Star and the numbers die down, it will be shown again in Sudbury. Jim, on the other package.

Mr Marchbank: We are indeed packaging them for sale. In the last six months, we've tried to do a couple of direct sales ourselves, which have been unsuccessful, and we've just issued a proposal call to distribute it. We've had some interest from distributors in the big-screen film business in distributing it, and we're waiting for responses to that. But they're very clearly in that proposal call package as the two.

The Chair: As a supplementary on Wilderness, that ties in with my questions earlier about selling services. I was somewhat mystified by your commitment to selling services, but you've had Wilderness around for some time, I gather, a few years, and now you're talking about trying to market it after this period of time.

Mr Marchbank: Again, the selling hasn't been high in our priorities. We know that there's a limited market for 3-D films. We have in fact licensed it to one place, and that was done about four years ago, to a theme park called Parc Astérix, which is built around the French cartoon character Astérix; the theme park is on the outskirts of Paris. The arrangement there didn't bring us any revenue, but we do have rights to any film they produce and, in 3-D purposes, this gets into this co-production idea I was mentioning. So far, they have not produced one. They're one of the potential sites where we were trying to sell Shooting Star. The difficulty, however, is that they feel the storyline can't be made sufficiently comprehensible to a French audience in terms of it being site-specific.

The Chair: What's the federal film crown corporation that produces films?

Mr Marchbank: The National Film Board.

The Chair: You talk about doing joint productions or productions with other organizations that are going to have marketing potential. Have you spoken to the National Film Board at all about that sort of thing? Is that feasible?

Mr Marchbank: I have not, but I suspect that a couple of our senior people have. I know they've had conversations about Shooting Star with both the NFB and the Ontario Film Development Corp, but I'm sorry, I'm not up to date on those conversations.

The Chair: I was just wondering how members feel about additional questions this afternoon. Do we feel it's necessary to call our witnesses back? Are we going to have enough questions to occupy their time or should we let them have less pressure this afternoon and not have to return? How do we feel about that?

Mr Marchese: I think we've asked plenty of questions this morning and, through our visit, we got a great deal of the information we needed. I don't think we should have them come back this afternoon.

The Chair: All right. If there's anything further that does arise as a result of our deliberations, we can contact you through our researcher and hopefully get the answers that are required. Thank you very much. Mr Reed, before we close.

Dr Reed: Thank you very much, too. Science North is obviously close to our hearts. It's a centre, we believe, that Ontarians can be proud of, and we hope you're among them. Thank you.

The Chair: Thank you, Mr Reed and Mr Marchbank, for appearing here this morning and coming down from Sudbury. We appreciate it. Before we break, the clerk has something to say.

Clerk of the Committee (Ms Lynn Mellor): Tomorrow you'll have to attach your airline stubs to your expense report. So if you left them in your suit from yesterday, bring them with you tomorrow, please.

The Chair: Otherwise you have to pay for it yourself. Adjourned.

The committee adjourned at 1159.

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James Marchbank, chief executive officer	

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- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
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- *Waters, Daniel (Muskoka-Georgian Bay ND)
Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present / Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Mr Ferguson
Rizzo, Tony (Oakwood ND) for Mr Wiseman
Sterling, Norman W. (Carleton PC) for Mr Stockwell
Ward, Brad (Brantford ND) for Mr Waters

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



Legislative Assembly of Ontario

Second Intercession, 35th Parliament

Official Report of Debates (Hansard)

Thursday 21 January 1993

Standing committee on government agencies

Agency review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Jeudi 21 janvier 1993

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux

Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday January 21 1993

The committee met in closed session in committee room 2.
1050

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

CENTRAL LAKE ONTARIO CONSERVATION AUTHORITY

The Vice-Chair (Mr Allan K. McLean): I'd like to call the meeting back to order with the presentation this morning from Central Lake Ontario Conservation Authority. I understand you have a slide presentation. If you'd like to introduce yourself, who you are and your positions, the floor is yours.

Mr Irv Harrell: Thank you very much, Mr Vice-Chairman. My name is Irv Harrell and I'm the chairman of the Central Lake Ontario Conservation Authority. I am pleased to be here in response to your invitation to appear before the committee. I'd like to introduce Mr William Campbell, our chief executive administrative officer, and Mr Ron Folk, our comptroller.

I'd like to give you just a little bit of background. First of all, I've just completed my first year as chairman, and Tuesday evening of this week I was re-elected to start my second term. I look forward with great anticipation to the second year. As well as being chairman of CLOCA, I'm a member of Durham regional council and Oshawa municipal council.

CLOCA, for your information, will be celebrating its 35th anniversary this year. It is located in the region of Durham, which is composed of eight municipalities, with a population of approximately 400,000 people. Seven of those eight municipalities are located within our watershed and have representation on our authority.

For your general information, we prepared a short slide presentation to provide you with background on the authority. I would now ask Mr Campbell, our chief administrative officer, to make that presentation, after which we would be pleased to answer any questions.

Mr William Campbell: I've got a half-dozen slides here. I'll just carry on with some commentary and hope the slides give us a better graphic to assist with some of the explanation.

This slide is a depiction of most of the conservation authorities in the province of Ontario. There is a total of 38 of these authorities. They cover approximately 10% of the area of the province and encompass approximately 90% of the population of the province.

The Central Lake Ontario Conservation Authority is this one right here fronting on Lake Ontario, the first one immediately east of the Metro authority, probably the one you're most familiar with.

If we get into some other discussion later on, particularly about amalgamations, I'm not sure if you have this particular

document with you, but at least try and retain this kind of picture in mind and the configuration of other conservation authorities around us.

The next slide is simply going to be a blow-up of the area immediately around this authority and its watershed.

Mr Norman W. Sterling (Carleton): What population do you have in your watershed on your conservation authority?

Mr Campbell: The official number according to the statistics is approximately 216,000. The actual numbers are something just a little more. There is roughly the perimeter of the authority itself. Readily seen here are the major municipalities within the authority. Central to it is the city of Oshawa. To the west is the town of Whitby, and to the east approximately half of the town of Newcastle. Again on the west side, there's a little piece here, a sliver, of the town of Ajax, the town of Pickering, the township of Uxbridge, and right in the north end, a little piece of the township of Scugog.

The dimensions of the authority are roughly 20 miles along the waterfront and roughly 12 miles in depth from the lake north. The northern perimeter is along the Oak Ridges moraine and it's the split in the watershed right down the spine of the moraine.

Some of the features of the area include the moraine at the top end. Right through the middle, roughly along that line, is the former Lake Iroquois shoreline, a significant feature and quite a natural amenity and entity within the watershed. The major creeks: through the town of Whitby is Lynde Creek, not really visible on this print, but there's a better one. In the city of Oshawa there's the Oshawa Creek, right down through the heart of the city, and the Harmony Creek, towards the east end of the city of Oshawa; in Newcastle, the Black and Farewell creeks, which actually join the Harmony down at the waterfront here in Oshawa, and the Bowmanville-Soper combination out towards the east end of our portion of the town of Newcastle. These are the major watercourses within our jurisdiction.

While we're looking at the slide, it's probably worth noting that the authority's jurisdiction has also been extended three miles, or five kilometres, south of our southern perimeter into Lake Ontario. That's common with all authorities fronting on the Great Lakes, and that's to give them some jurisdiction over the near shore areas.

Another feature of this particular watershed is the degree of urbanization that has taken place here. Again, almost from this line south, most of that area now is built up and it's all densely urbanized. To the north of it, it's more open, more rural. When we go around the watershed here with a members' tour, it's one of the things we normally point out to them. We sit in our boardroom and we discuss all kinds of problems with urbanization and enforcement of our regulations. It seems to be all urban kinds of activities, but when

you get out there and drive around, it's really amazing how much of it—in fact, the majority of the area—is still rural.

On the next slide, what I want to depict on this one—again, you can see the perimeter of our watershed. We're almost unique in the province, but not quite; there is one other authority in the same situation as us. We are totally enclosed by one municipality. You'll appreciate from the Conservation Authorities Act that it's the upper tier, the regional municipality, that is the member municipality on the authority. So here we have one member municipality; a lot of local municipalities but only the one member municipality. That's probably something most other authorities would dream about. It sure simplifies a great deal of our activity. Then there's the other side of it. You have nowhere else to go if you have some proposals.

1100

This slide is intended to depict the organizational structure of the authority. The full board, the block at the top, is comprised of 15 members. Two of these members are provincial appointees; the other 13 are all members of Durham regional council. The full authority meets on a monthly basis and the executive committee is comprised of seven people, including the chairman and vice-chairman. It meets on a monthly basis as well.

The balance of the structure is the three major departments within the authority.

The comptroller's office—Mr Folk is with us today—handles the interior office management as well as the financial aspects of the authority's operation.

The areas manager: The way I like to describe this is that this is the world's view of our conservation authority. We have a dozen park areas, our conservation areas. People can come out and view these areas and get that view of the authority and its operation. In large measure, that is the public perspective of the conservation authority. We operate these parks.

There is a great deal more to our operation, though, and that's controlled over in this department. Using the same sort of analogy, this is the authority's view of the rest of the world. We are looking out through our regulation, through the planning review we do on activities around us.

It's probably a good point, the place here, just to indicate this department. This is where much of the authority's own vision in its vision statement takes place, where human needs are met in balance with the needs of the natural environment. Again, this is how the authority views the rest of the world; this is how the world views the authority.

Here's a topic which I'm afraid is unavoidable. We want to show you some changes that have occurred in the last decade. You can see a slight increase in the percentage of funding that comes from the municipalities, a slight increase in the funding we generate internally and a drop in the proportion of funding we receive from the province. This is the downloading you hear about all the time. The pie gets bigger but the provincial share of it does not increase in the same proportion. You can see just in a decade what's happening here. We like to say we have an equal partnership and the province is picking up 50% of the tab. You can see from this that other sources are putting in twice as many dollars as the province in our operation. That's funding.

The next slide is expenditures. What I'm trying to depict with this particular one is the very major shift in the kinds of activities that go on with the authority now.

One complaint we seem to hear chronically about authority operations is the proportion of total spending that goes into administration. This is pure administration here and I think you can see it from this side. In my opinion, it is not a horrendous proportion, the 18% to 22% here.

Where the big difference is occurring is in capital expenditures. We like to get out and build things, do major works out in the watershed and demonstrate some visibility in that fashion. That end of the operation is being eaten up, principally in the change in the support categories of expenditures and maintenance. This reflects the levels of activity that are going on, where people have to get involved in things like the plan review again, where we take some particular pains to look at development proposals that are going on.

In the conservation authority we take some particular pains to review legislative proposals, things like the Crombie report and paper of that nature. There's an awful lot of time that goes into this kind of thing. It's planning. I think it stands us in good stead, but there's an awful lot of effort that goes into that.

Mr Sterling: Were 1982 and 1992 typical of the years around them in terms of these proportions?

Mr Campbell: Yes, they're fairly typical. I didn't single them out for any particular reason other than just to give you something current and show you how the trends have changed in the last decade.

Mr Sterling: I was just concerned with 1982 that there wasn't some great big capital project that—

Mr Campbell: Skewed the pie?

Mr Sterling: Yes.

Mr Campbell: No, that was not the case. The message here is that we're spending more time shuffling papers and less time getting out in the field and doing some of the activities we would really like to be doing.

I didn't want to finish on funding, that always seems to be a sour note, so my last slide here shows you some of the areas the conservation authority owns and operates. These are the park areas. Just to give you some idea of the overall scale, these two bigger ones encompass approximately 600 acres. All told, the authority owns approximately 3,000 acres of land. If you look at the bottom of the slide, that says 14. In fact, the authority owns 12 conservation areas. There are a couple shown here which are really not standalone areas. One is right there, number 6, and the other is number 8. That's about a 16-acre parcel that is in the process of being sold back to the municipality. So there are 12 areas there in total.

Another general perception of conservation areas—you can see it here—is that they are somehow water-related. Here you can see that the watercourse goes right through the site. Here you have the lakefront and again over here. This is not always the case though. Remember, this is the spine of the moraine up here. We've got one area up here and another large one over here. This is up on dry, high, sandy soils. The only water in the vicinity is groundwater, if you go deep enough.

What I'm trying to explain with this slide is that all of these areas are multi-use. There isn't a single one that's dedicated to any particular purpose. The authority operates a campground. We have a maple sugar bush, we have cross-country skiing, we have bridle trails and walking trails and we have boating and canoeing and fishing and all these other kinds of activities.

Each of these areas provides quite a different group of activities obviously tailored to the site characteristics, but a very broad range of activities on each site. Again, no single site is devoted to simply one single activity.

1110

Mr Brad Ward (Brantford): In numbers 1 and 9 there appears to be differently owned land in the middle of each block. Do you know what that is?

Mr Campbell: Yes, sir. This one hurts. We call this the hole in the doughnut. It is privately owned. We've been trying for years and years to get that site. We can't afford not to have it. It's a major impediment to the progress of our development on this site. Number 9 is the same situation: The lighter colours there are privately owned lots.

That concludes my presentation, Mr Chairman.

Mr Daniel Waters (Muskoka-Georgian Bay): Is it developed land or is it just a farm that's sitting in there?

Mr Campbell: No. You may recall I said that there's a swamp right through the middle of our watershed, the Lake Iroquois shoreline, so you can associate sands and gravels with that beach area. That's what that is. It's a worked-out gravel pit. There's another one right there and the same up in this other site. There are some active gravel pits up there. Again, this is what hurts. The Ministry of Natural Resources licenses these pits and that licence is an expensive commodity.

The Vice-Chair: Thank you for your presentation. I wonder, Mr Campbell, if you would take five minutes or less to update us a little more with regard to the support. It appears your capital is down 30% and your support is up 30%, and the regulations you're dealing with—could you give us a little more detail on how that has affected the change from 1982 to 1992?

Mr Campbell: I shall endeavour to, sir. The authority is within the Golden Horseshoe, albeit getting towards the easterly extreme of it but still in a very active area. There's been a tremendous growth in population in our area of jurisdiction just in the last 10 to 15 years. The authority has its entire site regulated for fill and construction. The entire watershed is also floodplain-mapped. We have a report dealing with environmental sensitivity of lands, again covering the entire watershed. We have another report that depicts lands the authority would like to own or would like to preserve through some trust, either as a regional parks linear, open system or by outright ownership as a conservation area.

We have all this background documentation and when there is some proposal for a change in land use these items are brought to bear on the proposal. It's again an area that gets a great deal of scrutiny, and our watershed particularly because of the degree of urbanization that has occurred there. Almost going back to our vision statement, this is how the authority has maybe evolved and matured, particularly in the urbanized areas. One used to think of conservation authorities

as protecting people from floods and watercourses. That's evolved now to where we are trying to protect the watercourses from the people and the effects of urbanization.

The Vice-Chair: What's been the increase in staff in that department from 1982 to 1992?

Mr Campbell: In that period we have taken on two people, sir.

The Vice-Chair: That doesn't really explain the 30% increase in support that you're talking about. Are people involved in that now other than the ones you've hired?

Mr Campbell: No, sir, it's simply the level of activity, things like getting a SPANS computer system. In fact the whole office has been revolutionized in getting computer systems in to deal with this.

Mr Ward: The whole office was automated?

Mr Campbell: Some office automation, yes, but it's basically salaries and the level of activity that's been devoted to these things.

The Vice-Chair: Mr Marchese, do you have some questions?

Mr Rosario Marchese (Fort York): Just on that particular point. What I'm understanding is that the level of work you are doing within that support graph has increased not just in terms of people but in terms of the work that is required and therefore needing people as well. Is that what has happened in the last 10 years that is different prior to 1982 that then evolved after 1982? Is that the case?

Mr Campbell: If I understand the question, sir, that's the portion of our budget where we get into legal entanglements if there are developments, the enforcement of a regulation. So legal costs have certainly gone up, staff time and extra time in that department, mapping, the studies, the cost of these things is an expensive component, just activities of that nature. It's obviously not simply staff salaries.

Mr Bernard Grandmaître (Ottawa East): When you look at your expenditures of 1982, and let's look at the capital projects that were initiated in those years, 58% of your total expenditures were for capital projects and in 1992 only 22%. Does that mean you have reached the end of your capital projects, or are very close to it?

Mr Campbell: No, sir, it means we've reached the end of the level of funding that would support these activities. If there was more funding available, there's all kinds of projects. Certainly land acquisition would be a major one. As I've mentioned, we own about 3,000 acres of about 10,000 acres we would like to have. When our own program was put together, the 20-year plan, that was 20 years ago. We should have been up there at 10,000 acres now; we're at 3,000.

Mr Grandmaître: You do own 3,000 acres at the present time. When was the last time you acquired land?

Mr Campbell: In 1982.

Mr Grandmaître: That was the last time you acquired land?

Mr Campbell: Excuse me, 1992, sir. It was just a small building lot. We have not had a decent major acquisition since about 1985.

Mr Grandmaître: But you've identified, let's say, 10,000 acres you would like to acquire.

Mr Campbell: Yes, sir. I should point out these would not be new areas. We're simply looking at consolidating our holdings and something inside or just adjacent to the perimeter of our existing areas, not starting up new areas elsewhere.

Mr Grandmaître: Can you not expropriate, with the co-operation of those municipalities, if you really require those lands? For instance, in block 1 and in block 9, these people who are land-locked, can you not expropriate through the municipalities if they're really needed?

Mr Campbell: We would not have to go through municipalities, sir. The authorities do have expropriation powers.

Mr Grandmaître: Do you have the authority to expropriate?

Mr Campbell: Yes, sir.

Mr Grandmaître: Why don't you?

Mr Campbell: It takes money that doesn't exist.

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Mr Grandmaître: Can you not convince the ministry that it is needed for our own—right now we're looking at planning. The John Sewell people are looking at the possibility of revamping the planning and the development that goes on in this province. Don't you think the needed additional 7,000 acres are of provincial interest and this government is saying, if it has a provincial interest, "Then we should acquire those lands"?

Mr Campbell: I would very much like to think that is the case, sir. Again, there are any number of available lands sitting there now that would consume our budget for years in advance. We don't have to expropriate. They're there and waiting for an offer from the authority.

Mr Grandmaître: My next and final question, Mr Chair: Let's take block 1, for instance, because that was the most noticeable. This piece of privately owned land is useless as far as the owner is concerned. What if I were the owner of that piece of land and I wanted to obtain a building permit? You would certainly appeal to the municipality.

Mr Campbell: If we could, yes. It is one entity. It's a worked-out gravel pit. In fact, the property owner would be able to obtain a building permit for one residence on that site and we would not have any recourse to appeal that. It's about 80 acres, that hole in the doughnut.

Mr Grandmaître: And you don't have the mechanism, you don't have the regulations to appeal to the municipality if they were to apply for a building permit? You don't have the mechanism to prevent this?

Mr Campbell: Not in an instance where all the zoning is in place and everything else. An individual could simply go and get a permit for it. If it requires a change in the land use—

Mr Grandmaître: That's right. That would be a major—

Mr Campbell: —then yes, we have the flexibility to do that, but not when those things are in place.

Mr James J. Bradley (St Catharines): You have no doubt at least looked, perhaps, at the outline or the executive

summary of the Sewell commission report or followed the Sewell commission's deliberations to this point. How do you believe you fit in, in terms of the general thrust of the Sewell commission so far?

Mr Campbell: The authority has done an internal report on this, Mr Bradley. Basically, the conclusions were, we certainly like the emphasis Mr Sewell is placing on environmental concerns. That's the business we're in. What we see as not coming out of this report, at least yet, is some means of enacting, through the authorities directly, some of the influences we would like to exert on development. In other words, he singled out the environment as a concern and the report says this should be looked after, but it doesn't say how it's to be done. We see that as a major omission.

Mr Bradley: You have not met with anyone from the commission yet. Would I be correct in assuming that?

Mr Campbell: We have not had a presentation in front of the commission; that's correct, sir.

Mr Bradley: I know they are going around the province.

Mr Campbell: I understand they will be out in our vicinity shortly.

Mr Bradley: Do you plan to make a submission at that time, or has that not been decided yet?

Mr Campbell: The report that was adopted by our board has been sent to the commission, so it is well aware of our concern and, as well, it was sent on to the association of authorities for advancement to the commission.

Mr Bradley: To move a little bit to another area, in terms of enforcement, one of the problems conservation authorities must encounter—no doubt all branches of government do—is people who don't believe you have anything to back up your authority, the people who say: "I'm still going to build on this land because I don't think the commission has this power. I'll just phone my local MPP and all will be fine." Do you experience problems with people believing you don't have any enforcement capability on your planning areas and your pronouncements?

Mr Campbell: We do. It's not really a problem. We've got one rather celebrated case where an individual put up a building, went through the whole drill in trying to appeal the authority's decision. It was refused. He went and put up a building anyway. We did get a court decision to have it removed, but again that's expensive. It's also very rare.

This authority has had its regulations in effect for approximately 20 years. The municipalities themselves are well aware that they're there. Normally what happens is an individual, if he wants to build something, goes to the municipality to get his building permit. If he's in an area regulated by the authority, then he's very quickly scooted over to the authority to get a construction permit from the authority first before the municipality will even deal with his building permit. So it is locked up in that fashion. It's rare that we would have a problem along those lines.

Mr Bradley: The Ministry of the Environment, which you deal with from time to time—I know you're under the auspices of Natural Resources, but there have been representations made to government that conservation authorities may be able to do some of the work that the Ministry of the

Environment staff are now mandated to do or at least have been given authority to do. Has your authority made representations to the government on what activities you believe you can best handle, as opposed to the Ministry of the Environment?

I think the auditor has identified overlap. It seemed to me in the last auditor's report that the auditor wasn't happy with what was happening. One of the suggestions has been that the conservation authority be the authority so that we don't have a wrestling match between Natural Resources, the local municipality—it would have to be a tag-team match in this case—and the Ministry of the Environment. Have you made representations or made offers in that direction?

Mr Campbell: Yes, we have. This authority feels there's a great deal of duplication between our efforts and the Ministry of Natural Resources and between our efforts and to some degree the Ministry of the Environment, so I think a great deal of streamlining could be effected in eliminating some of that duplication.

Mr Bradley: I realize that you may have to go back to the authority and so on, and it's sometimes difficult to speak entirely for everyone on the authority at a particular time, but would you be prepared to yield more control to the province in terms of the provincial appointments, for instance, in exchange for more authority? In other words, perhaps putting the chase on the Ministry of the Environment and the Ministry of Natural Resources, which will be involved with you, to put it kindly, in many cases. Are you prepared to say, "We will take these on and we will also allow a greater proportion of provincial appointees being from the province as opposed to the municipalities"?

Mr Campbell: I would take that to be a political rather than a technical question, Mr Bradley, and I will defer to the chairman for a response.

Mr Harrell: Thank you very much, Mr Campbell. I think that's a wise move.

It's an interesting question that has never been posed to me before, and I've never really given it any thought. I think it's important for the committee to understand that all the members of Central Lake Ontario Conservation Authority are members of Durham regional council, so they are elected representatives, with the exception of two who are provincial appointees.

The region of Durham, of course, funds CLOCA to approximately 50% of its budget. I would think that the region of Durham would have some concerns about a change in representation if its funding level is going to remain the same.

Mr Bradley: I should yield the floor to somebody else because you have other customers. Mr Sterling is eager to ask questions, I see.

The Vice-Chair: Mr Marchese had some questions, but he has to step—

Mr Marchese: I defer to Mr Sterling, Mr Chairman. I will ask my questions later.

The Vice-Chair: Okay.

Mr Sterling: Could you tell me, what is your total staff complement at the conservation authority?

The Vice-Chair: The chairman should know that right off by heart.

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Mr Harrell: He should, but he doesn't. I believe 45, but we'll ask Mr Campbell to answer that.

Mr Campbell: I'm hesitating in my response here because there are people who float, on contracts, or are employed under other programs.

The complement, as it currently stands, is 24 permanent full-time staff, three contract people and we currently have an additional 11 seasonal people on staff.

Mr Sterling: How many of those positions—either in position or in money—would be associated with the 3,000 acres that you're holding? How much of the work would be associated with that?

The Vice-Chair: Field staff.

Mr Campbell: There are, I believe, nine people involved in the field work.

Mr Sterling: My view of conservation authorities is, you shouldn't have any land other than perhaps the building in which you administer. I find your holdings extremely high for a relatively small conservation authority. In fact, I think that your holdings would outstrip the combination of the three conservation authorities that I represent. They would be bigger than yours by maybe 100 times—Mississippi Valley Conservation Authority, the Rideau Valley Conservation Authority, the South Nation River Conservation Authority—yet you have probably more holdings than all of those three combined.

The other thing that I find a little different about your conservation authority, and maybe you can help me here, is you don't have a major watercourse going through your conservation authority, as I look at the maps etc. You don't have major river that goes through it; is that correct?

Mr Campbell: I think that's a pretty relative term. For instance, the Oshawa Creek—one of the ones I outlined to you—under regional flood conditions, would carry the same volume of water as the Grand River under regional flood conditions.

Mr Sterling: Is there another conservation authority like yours along the lake which doesn't have sort of a major watercourse or a major river?

Mr Campbell: I'm not that familiar with the detail.

Mr Sterling: It just seems to me that of all the conservation authorities that might lend themselves to amalgamation, which has been talked about to a very high degree over the last period of time, yours seems to say maybe this is the one. I don't think that joining with the one for Toronto is a go. I think they probably have enough to do and they're covering a large area with a great number of people involved in it.

The Minister of Natural Resources has said, "Do this voluntarily," but I have never met any bureaucratic group that has ever said that it wants to amalgamate with another bureaucratic group. It has to be done with some encouragement, if you want to put it kindly that way. Is there any commonality with the people to the north or the northeast or the east with regard to your conservation authority?

Mr Campbell: There most certainly is. Mr Bob Bugar, in his first review of amalgamations, did propose that our authority meld with the authority to our east, which is the

Ganaraska, and that the authority north of us, the Kawartha, meld with the authority east of it, the Otonabee. You've got two east-west amalgamations proposed.

Mr Ballinger, in his review of the Burgar report, suggested that our authority could join with the authority to the north of us, the Kawartha—in other words, vertically—and to the east the same idea: the vertical alignment. So if it works on the horizontal alignment and it works on the vertical alignment, why doesn't the whole thing work? It could.

We have looked at this, and there are easily a dozen viable proposals for amalgamation. One extreme would be simply to remain the way we are. Others amalgamate, and this has to be viewed in the very long term: 20 years from now, I don't see our authority remaining as a viable operation if others amalgamate and we don't, so we don't see that as realistic.

The other extreme to that is that the authority itself disappear, and that could happen in many ways. It could be partitioned, pared off to surrounding authorities. It could be assimilated by Durham region. Our board is all regional councillors; 40% of the regional council is on our board. We could be the regional parks department.

Between those two extremes, we've expressed our own preference.

Mr Sterling: What is your preference?

Mr Campbell: The one the board adopted was to grow west, assimilate part of Metro, to what I think is a natural line of demarcation, and that's the Rouge River Valley and the provincial park that's there; grow north to encompass a great deal more of Durham region; and grow east to something short of the Ganaraska forest and the river and that area. The reason for containing it in that fashion is that you can actually tailor the perimeter to something very close to the perimeter of Durham region. There are all kinds of good things that come out of trying to get some semblance of having these two jurisdictions cover the same turf.

Mr Sterling: So you would leave the traditional way of doing it on a watershed basis? That's what your proposal says.

Mr Campbell: That would evolve from this suggestion. One of the major reasons for that kind of suggestion is the Oak Ridges moraine. Right now, as I've indicated on some of the slides, the moraine is split right down the spine, and that means you've got any number of different jurisdictions involved in it. It would be a great deal simpler for something of provincial significance, like the moraine, to have one-window shopping for any proposals that come along.

Mr Sterling: My view is that the conservation authorities being broken down on the watershed boundaries is the most logical. I think it should be done on the basis of a scientific split rather than an arbitrary split, which municipal boundaries are, as set up by the surveyors a long time ago.

I would really like to see conservation authorities be the ultimate authority in terms of water control or water quality within their watersheds. That, along with the floodplain regulation, is really the role I would like to see evolve out of them.

Right now, we have a real problem in Ontario. We have nobody who is responsible for water quality in our rivers. This is not just true of the present government; this is what

has evolved. When a constituent comes in and talks to me about water quality in the Rideau River, I say: "The province is involved because it's involved with the sewage of Smiths Falls, Kemptville and all along the river. The Ministry of Agriculture of Ontario is involved because of the fertilizers that are being used along the river. The federal government is involved because it's involved with the water flow, and it deals with quantity. We have the Ministry of the Environment involved. We have the Ministry of Natural Resources involved."

My humble opinion is that the conservation authorities should be taking a much greater role in terms of water quality, like the role they are fulfilling in terms of floodplain, and I think that process has to be cleaned up.

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I think it's interesting, but I don't agree with your proposal because of my seeing what is happening in the future in terms of conservation. I think they should also have a very much larger role in the planning area and should have more influence over municipal politicians in terms of planning, particularly official plans and that kind of thing. I know municipal politicians won't like that.

The Vice-Chair: And your question is?

Mr Sterling: My question is, do you agree with me?

Mr Robert Frankford (Scarborough East): I wonder if you could make some comments on how Mr Crombie's approach relates to you and what discussion and thoughts you've had.

Mr Campbell: The Crombie commission report has been presented to our board, with a staff report. We very much favour the ecosystem approach Mr Crombie is espousing. It's something we've been doing for 20 years, very much so, along the waterfront. So most certainly we agree with him.

There were something like 83 recommendations in that report. They don't all pertain to conservation authorities and I'm obviously not going to try and address all of them. There were a couple of observations, though. I'll try and find those specific comments here.

One of the recommendations was that conservation authorities be given a lead role in this ecosystem-based watershed management. Most certainly we agree, if one can define what an ecosystem is. The previous speaker agrees with a watershed basis. Watershed doesn't necessarily include an ecosystem: The Oak Ridges moraine splits the watershed, and if you're going to have some control over it, then the watershed division doesn't work in an instance like that.

There's a suggestion that membership in conservation authorities include more representatives of local environmental and conservation groups. Our board did adopt this report. Now, appreciate that the authority members are appointed by the municipality, so we don't have a great deal of say in who actually gets appointed to the board, but the authority has adopted that principle, that we need more involvement from people outside the political system. Have I covered your—

Mr Frankford: Thank you.

The Vice-Chair: I'd like a couple of clarifications; the comptroller could probably answer them for me. When you have some of those capital projects, surveys and studies, is

your field staff's salaries worked into the cost of that capital project, so you get part of a grant to help pay for that staff time?

Mr Ron Folk: No, sir. It is the incremental cost of the project. For example, if a quote comes in, a lot of preparatory work is done by our administrative staff. If a tender comes in, for example, that erosion control is \$50,000, it is that \$50,000 that is reported as the capital cost. The infrastructure of support of the office in that is continued to be funded by the administrative portion.

The Vice-Chair: I'm talking about your field staff: You have a supervisor in the field; he has men working for him; you're doing an erosion control project. Are the salaries of those staff involved in helping with that project, their time, in the cost of that project?

Mr Folk: No, sir. They would be reported as maintenance staff. It generally would not be the case anyway.

The Vice-Chair: We used to do that, anyhow.

The chairman is here. This is the third time I've had the opportunity; the third chairman who has been here in the last year. I notice that your honorarium is about \$2,500; it's not great. We have had the occasion to ask the chairman, with regard to his chief executive officer and his key people, what salary range they're in. We don't ask what their salary is, but we'd like you to give us an indication within \$2,000 or \$3,000 of what the salaries of your key people, such as your chief executive officer, would be.

Mr Harrell: The chief administrative officer is in the range of \$80,000.

The Vice-Chair: And your comptroller?

Mr Harrell: The comptroller is in the range of \$50,000.

The Vice-Chair: Thank you. Any other questions?

Mr Waters: Not all conservation authorities have the same situation. You have a regional municipality, and then you have municipalities within that. At the municipal level, when you put the finger on them for their support, is it on the region, is it on the individual municipalities within the region, or is it a combination of both?

Mr Campbell: The municipal levy must go to the member municipality, so it's to the region, the higher tier.

Mr Waters: So you wouldn't be putting anything back on to the town or the community within that.

The Vice-Chair: I'd like a clarification. Does the benefiting municipality pay any more share than the overall region?

Mr Campbell: No, sir. The apportionment would be just as any other cost the region would bear, whether it's police enforcement or the regional clerk's department. All those costs are apportioned, including the conservation authority. It's simply like another department in the region.

Mr Waters: Another thing: I understand that this year you received some additional local erosion control funding. Obviously you have a problem with erosion. Is this something ongoing, or is it something that's a one-time shot? With erosion control, I would assume that in an urban conservation authority, you have problems that are different from a more rural one; you have different impacts upon that. I guess I'm asking whether it's a regular five or 10 years you have to go

out and do this erosion control, or is it something you can put in place—

Mr Campbell: Your assumption is correct, Mr Waters. Erosion control is the largest part of our capital projects. If you just picture in your mind the watershed we have, of course all the municipalities originated along the lake and on a creek: They needed the water there as a potable supply, for transportation and for water power. As the municipalities expanded and grew away from the lake, the old portions that were originally built were down in the floodplain, and as they expand, you get increased runoff from those lands and you continually aggravate the problems that existed in the old parts of these municipalities. So yes, we have a lot of built-in problems of backlog, of flood and erosion problems, to deal with in all of our waterfront municipalities. We hope that the planning we do would see that these things don't get any worse. We're trying to keep up as development occurs. That is a major part of our activity.

Mr Waters: On your one slide—actually, the slide you have right in front of you—it was pointed out, these privately owned sections within that, for the other members; it's these blocks. You twigged on something when you mentioned that. Have you historically got into rehabilitation of abandoned aggregate pits, to use and to rehabilitate and do something in a conservation nature for them, or is that something that conservation authorities in general do?

Mr Campbell: I really wouldn't care to generalize on what other authorities do, but yes, our authority has been involved, only in a minor way, in some rehabilitation.

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Mr Waters: I'm curious. What would you do with an abandoned aggregate pit? As someone from up in central Ontario, we don't have the problem to the same extent, but when you drive around the northern fringe of the metropolitan area here, there are either working or abandoned pits everywhere. What can a conservation authority do with those pits to rehabilitate them or make use of them in some form?

Mr Campbell: Let's talk specifics. The one site that you made reference to and that I had mentioned when the slide was up on the screen was this hole in the doughnut. It's an 80-acre worked-out pit surrounded by other authority holdings. It has a gravel base, a perfect place for a parking lot. That is ultimately what is in our master plan: Stylize the area a bit with some grading so it doesn't look quite so flat and like a moonscape. But you've got a gravel base in there.

Mr Waters: It's not down into the groundwater or anything like a lot of pits, where they end up with a lake.

Mr Campbell: This one is not. It's a perfect place for a parking lot. That would be the main entrance to our conservation area. You get people to have ready access to the rest of the area, because you're parked right in the middle of it.

The Vice-Chair: We've got four other members who'd like to ask questions, if we could keep in mind the time of the clock. Go ahead. Have you any further questions, Mr Waters?

Mr Waters: I guess in these times the number one issue with everybody is money. If we were to take money aside—set that issue aside—what would be the next issue that would be your biggest concern or that you would like to deal with?

We all have dollar problems; that's common throughout in a recession.

Mr Campbell: I believe it was Mr Sterling who touched on this, the fantastic number of jurisdictions that have their fingers in the pie in just about any issue we get involved in. I think he said there isn't one jurisdiction, for instance, overseeing water problems. The problem isn't that there isn't one; there are too many of them and the jurisdictions aren't clear. For instance, in the Conservation Authorities Act, it says the conservation authority has some responsibilities for pollution. You don't tell that to the MOE or you get your feet stomped on. The authorities, for instance, have some responsibilities for waterfront management. Then you get into problems with the Minister of Natural Resources and the Lakes and Rivers Improvement Act and all these kinds of things. There are too many people involved in it.

As to what the province is going through with its municipalities and disentanglement, I think that kind of an exercise is sorely needed to either have some lead agency overall responsible for watershed management or water management, or some clear direction on what we're doing with this thing. There's too much overlap right now. It's very cumbersome, very expensive.

Mr Waters: I apologize; I was out for a couple of minutes and I don't know whether it was asked, but as to the Sewell report and the potential impacts coming from Mr Sewell, do you see that having a major impact or, shall we say, a clearing of the water if those things are adopted, so that we know who has responsibility for what?

Mr Campbell: We addressed that a bit earlier, Mr Waters. Yes, we like the emphasis on environmental concerns that are expressed in the Sewell report. The fault we see with the report is that it doesn't finger any particular agency in dealing with all these disparate problems in jurisdictions.

Mr Waters: That would be all I have here at the moment.

Mr Tony Rizzo (Oakwood): The committee that was established by the Minister of Natural Resources agreed that there are 18 items which constitute all authorities' core mandate; for example, flood and erosion control. How much of your expenditure is for the core mandate items and how much for the rest? Do you have any information about that?

Mr Campbell: Because most of our activities are at least eligible for provincial grants, I guess they would all then qualify as being core. The only thing that doesn't is maintenance of our areas, which is not funded by the province. So all of our activities then would be core mandate.

Mr Rizzo: So there is no dispute between the interpretation by the ministry of core mandate and your interpretation of core mandate or core issues.

Mr Campbell: I think our authority is very clear on the distinctions there, sir, and we do not have any dispute with it.

The Vice-Chair: Perhaps I could get a clarification from the committee. There are about three more members who want to ask questions. Would you like to maybe go to 12:30 and finish, or would you like to come back at 2 o'clock? Would the first choice be appropriate? We'll share the time then until 12:30.

I want to ask the people. In the kit that we got, we've got a whole bunch of maps, a lot of material. Would you like them back? I think they cost money to make. I know I have no further use for them, and I'm sure a lot of members have no further use for them. They're a costly item and I just wondered if you wanted some of them back.

Mr Campbell: Yes, sir. If they're available, yes, we'll take them back.

The Vice-Chair: Thank you.

Mr John C. Cleary (Cornwall): I had two questions, but one has been pretty well answered, on the gravel pit issue.

The second one I know comes up in every discussion that I've been involved in over the last three years, and that's money. I was just wondering, I don't think we heard today what the percentage increases were for your staff over the last three years.

Mr Campbell: Last year it was possibly 3%. The year before, it was also 3%, and the year prior to that 4.5% to 5%, I'd say.

Mr Cleary: Thank you.

The Vice-Chair: Mr Grandmaître, Bob Runciman has a question while you're getting ready.

Mr Robert W. Runciman (Leeds-Grenville): I just want to briefly pursue something Mr Sterling was mentioning, and it's about amalgamation. You made reference to the Ballinger study, I guess we'll call it, talking about amalgamation and being a sort of voluntary process. I'm not really familiar with how the encouragement was offered by the province, but you mentioned your own preferred option, if you will. I'm just wondering what's happening internally. Are you doing anything in that respect on a voluntary basis, or are agencies such as yours sitting back and waiting until the stick is pulled out by the provincial government? What's happening in terms of amalgamation? Anything at all?

Mr Campbell: That is not a current item with our authority. We're not aware of any incentives or encouragements or inducements that were applied. We have analysed some of the suggestions that were made. Some of them were good and some less so. We don't see it as being particularly advantageous for our authority and for the municipalities.

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Mr Runciman: How about for the ratepayers? You don't see that as advantageous in terms of taxpayers, ratepayers? What's the aim of amalgamation? Is it not to make you more efficient units? Is that not hopefully the aim of this exercise?

Mr Campbell: Unfortunately, with an increase in efficiency there's a loss of autonomy. When our own members looked at this question, they felt that they would like to be the representatives of the populace, and if you got into some larger conglomerate, a lot of that kind of detailed representation would be lost.

Mr Runciman: You mentioned earlier that about 40% of your board are representatives from the region, regional councillors?

Mr Campbell: I think the remark was that we have 13 regional council members on our board. That represents 40% of regional council.

Mr Runciman: I see. You also showed us the pie in terms of your financial situation and the increasing load being placed upon the municipal taxpayer to fund your operations. What's been the reaction of the municipality, the region, in terms of this increasing burden that's being placed upon it? What's happening in that respect, anything?

Mr Harrell: In the last two years, last year and again this year, the region essentially has given us budget guidelines. Those budget guidelines have been in the neighbourhood of 2% over the previous year. We achieved that budget situation in 1992. We'll be appearing before our regional finance committee next Thursday and we're on target with the 2% above last year.

I would expect that we may well be cut back, when we get to the regional finance committee, to the same level as last year but that's generally where we are.

Mr Runciman: You mentioned earlier in one of the slide presentations that you're in process of a sale of a particular piece of property to the municipality, I gather. I just wonder if you're looking at other alternatives in terms of perhaps sale or lease of property with stipulations upon the lease so that it's utilized for purposes that you'd like to see it utilized for. Are you looking at innovative ways of still accomplishing your goals and doing the job you were originally assigned?

Mr Harrell: Just to deal with the issue of the sale of that piece of property, that particular piece of property has been a long, ongoing issue. It was 16 acres that were originally identified for acquisition in our long-range acquisition plan. At that time, we had intended to acquire additional property within the town of Whitby. That property was not available, so essentially we ended up with 16 acres that were of no future potential value to us.

The city of Oshawa expressed an interest because it could add it to some parkland or lakefront property adjacent to existing land that it owns, so we had assessments made and the deal was struck on the basis of the appraised value.

Mr Runciman: But you're not looking at other sales or leases, those kinds of things, to try and deal with you—

Mr Harrell: We're not currently looking at the sale of any property. It's an issue that came up before and it's not something the current members of the authority feel they would like to do. They don't want to divest themselves of property when our acquisition plan shows that we would like to acquire 10,000 acres and we only have 3,000. Unless we find a small piece that is of no value to us, we would not be divesting.

Mr Runciman: Thank you, Mr Chairman.

Mr Grandmaître: Tell me about provincial grants. How satisfied are you? You have 20 minutes.

The Vice-Chair: Or less.

Mr Campbell: A fair question. The lack, or should I say the shortcomings in provincial funding are a major impediment to us buying land, to us developing land, to the other capital programs: watercourse improvements, either erosion control, which helps fish habitat, or flood control to protect the residents. These things are seriously thwarted because of the shortfall in capital dollars.

We could spend a lot more, with the staff complement we have, and get out and do these kinds of capital projects, rather than be shuffling papers, and we would dearly love to be in that kind of a position. Obviously, it does inhibit virtually all the activities the authority would like to be into.

Mr Grandmaître: When you look at the total picture, the 10-year picture from 1982 to 1992, the provincial grants have been decreasing. In other words, they're downloading more and more responsibilities on the conservation authorities, like any other agency or boards or commissions, I guess, so you have to find other ways to fund your programs.

I notice there that internal funding sources has increased by some 4% over the last four years. Can you tell me about this internal source? What is it? Back in 1982 it was 3.7% and in 1992 it's 7.5%. You did show that slide. It's one of your slides.

Mr Campbell: Yes, sir. Some of the activities that generate these kinds of fees are administrative services.

Mr Grandmaître: Chargebacks?

Mr Campbell: These are fees for hearings, for legal inquiries, things of that nature. That's certainly a major source. We operate a boat launch. I guess none of these are particularly big numbers. We're anticipating something in the order of \$15,000 annually for the boat launch operation. Understand, though, please, these are gross revenues and do not reflect some of the built-in operating costs for these things as well.

The authority operates a campsite. That brings in about \$35,000 a year. We just built a chalet for cross-country skiers. That brings in about \$4,000 a year. Education fees I mentioned earlier in the slides, the multi-use of our areas. One was a maple syrup demonstration area. We do bring in school kids there by the busload and there is a fee for that. There's interest earned on investments, campsite revenues, property rentals where the authority buys some land. For instance, if it's agricultural land and we're not ready to undertake some development, we'll rent that back out to farmers. If some of the property happens to have a residence on it, we will rent that out to tenants. Generally, that's what comprises our revenues.

Mr Grandmaître: There's also been a very slight increase in the municipal levy or apportionments. What is the formula for the apportionments through the different municipalities? Is there a special formula? Is it assessment, is it total land perimeter or what? What is the formula to assess or to levy fees?

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Mr Campbell: We don't use the formula, again because we only have one municipality, so the apportionment is 100%. But it is apportioned to the municipalities in other conservation authorities now, based on the discounted equalized assessment or where there is a specific project within one municipality and they would pick up 100% of it. The operating costs are spread about on the basis of discounted equalized assessment. A capital project, the benefiting municipality or municipalities would share in that.

Mr Grandmaître: I have one last question. The fact that 13 of your 14 members are municipal councillors—am I right?

Mr Campbell: It's 13 of 15, two provincial appointees.

Mr Grandmaître: Isn't there a danger for a conflict of interest?

Mr Harrell: In what respect?

Mr Grandmaître: I don't know; I'm asking you. You're municipal councillors, and I'm sure that the municipal council deals with the conservation authority. Isn't there a danger of conflict of interest? I don't have any facts before me; I'm just asking you the question.

Mr Harrell: Not in my view and certainly not in my experience. The representation on the authority, the 13 members who are regional councillors, come from seven municipalities within the region of Durham. Each of those seven municipalities makes recommendations to regional council with respect to his preference as to the appointee. Normally, regional council simply follows that recommendation.

Mr Grandmaître: That recommendation?

Mr Harrell: Yes.

Mr Grandmaître: But then you vote again on that recommendation at regional council, right?

Mr Harrell: That's correct.

Mr Grandmaître: So isn't there a danger of a conflict? I think Mr Runciman has a follow-up question.

Mr Runciman: Well, it's related. In the municipalities in my area, frequently councillors do not serve on the conservation authority; they appoint citizens from their own constituency to serve. I'm just surprised that in your situation they are all regional councillors, elected officials rather than citizen representatives.

Mr Harrell: Let me put that into a little bit of perspective. A few years ago, the authority was made up of members from the municipal councils and the regional council, so we had local councillors and regional councillors plus the provincial appointees sitting on the authority board. Two or three years ago, regional council changed its rules and decided that it wanted all the political appointees to be regional councillors rather than a mixture of regional and municipal. In my time, we have not had citizen appointees on the authority.

Mr Runciman: In essence, it's a committee of council; that's what it is.

Mr Harrell: Yes, it is. One of the reasons for that, from the regional council perspective, is because of the funding. There was a concern previously that there was not adequate representation for the funding that was being provided.

Mr Marchese: To follow up on some of those questions, I'll start with membership first. My interest is not as it might relate to conflict as much as why we wouldn't have an interest in appointing people who might have the knowledge of the field, through whom you would have similar accountability; not direct accountability by having a councillor, but you would want somebody who has the knowledge and the expertise. Is that being talked about? Is that a concern to the conservation authority board or staff or to the people of the community?

Mr Harrell: The rationale from the regional council perspective has always been that the members who are appointed from the member municipalities are indeed knowledgeable of

the problems and concerns within that municipality, so that they form good representation.

Mr Marchese: I understand that the Crombie commission identifies this as a particular problem. Although you might say that a number of councillors have an interest or may be knowledgeable, Crombie himself says that perhaps that isn't the case and that what we could have in fact is more community membership in that board that would give greater knowledge to the field.

Mr Harrell: I understand the philosophy of it and I do believe that there's an opportunity for improvement there. But I'd suggest that one of the areas that is an opportunity for improvement would be for an authority such as CLOCA to more actively seek out input from some of the knowledgeable citizens within the watershed. It's probably something that we have not done to the extent that we should have in the past. We in all probability should have gone out to the community a bit more and sought input into our deliberations and, in particular, our public hearings.

Mr Marchese: Let me ask you—

Mr Frankford: Can I just—

The Vice-Chair: Supplementary.

Mr Frankford: Do citizens come to open meetings? Can they make submissions?

Mr Harrell: Absolutely. For instance, we had an issue—it's an ongoing issue—before the authority a few months ago. There is a community group that's known as the Friends of the Lynde Marsh. The Lynde Shores Conservation Area is a major conservation area within our watershed. There is some future development that will be occurring on the perimeter of the conservation area, and the Friends of the Lynde Marsh have expressed a sincere wish that an area be fenced.

We have listened to them as a delegation, taken into consideration their comments and asked staff to prepare a report and bring it back to the authority, at which time we will invite them back and deal with the issue. So we do receive delegations of that nature.

Mr Marchese: Related to this, I have a few questions.

The Vice-Chair: Two other members have questions, just to warn you.

Mr Marchese: To what extent are the community of Oshawa and the surrounding community aware of the work of the conservation authority and, similarly, to what extent are councillors or municipalities aware of the work you're doing?

Mr Harrell: The easy question to answer is the part that deals with the councillors. I think there is a broad general knowledge of the working of the conservation authority at the municipal level because we deal in the urban areas with a number of erosion control works that are readily evident to the members of council, and they've probably been areas of concern in past years.

The question with respect to the general public is a bit more difficult to answer. I think that certain segments of the public, particularly those who use our conservation area, are very knowledgeable about our workings. But how to quantify it, I really don't know.

Mr Marchese: I'd like to pursue that a little longer, but I'm going to rush my other questions; otherwise, I'll probably be cut off.

On the question of the CLOCA funding sources, the internal, self-generating dollars, from 1982 it was 3.7% and in 1992 it's 7.5%. Would you say that's a normal progression of increases from 1982 to 1992 relative to other conservation authorities? Would you know whether other conservation authorities have raised a lot more within the last 10 years? If so, what are they doing differently that you're not, and should you be looking at that?

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Mr Campbell: I don't have any information on the internal funding sources from other authorities.

Mr Marchese: Okay. My other question has to do with the funding that comes from provincial and municipal governments. I know Mr Grandmaître touched on this, although he referred to it as downloading, but I was looking at the figure from 1989, when the former government was in, and then looked at 1990, when the former government was still in. There was a slip there, it's true, in 1990—

Mr Grandmaître: A serious slip.

Mr Marchese: But in 1991 it went up again: in 1990, \$554,000, and in 1991, \$770,000. I presume in 1992 there was another \$200,000 increase. Is that the case? If you're puzzled, ask me to rephrase it and I'll do that. Is there a normal progression of dollars that has come in the last four or five years, with the exception of 1990?

Mr Campbell: The provincial funding has increased in a normal progression up until 1992. There was a change then, obviously, in the provincial funding formula and we lucked into some extra money there that we weren't anticipating. So 1992 is a bit of blip in the pattern.

Mr Marchese: But with the exception of 1990, there has been a regular increase of support similar to the municipal funding. When you look at 1989, \$1.041 million, to 1992, \$1.386 million, the progression seems to be similar there as with provincial funding.

Mr Campbell: The progression is less than the rate of inflation. It is less than the rate of increase in our assessment. It is less than the rate of increase in our population. So there are far more demands on what in reality are diminishing dollars, in true steady-state dollars.

Mr Marchese: But inflation has been very low in 1991 and 1992, and the increase seems to me to be a good figure in terms of support for the conservation authority.

The Vice-Chair: Good question and good answer. Mr Ward.

Mr Ward: Even though the funding has increased, it hasn't increased as quickly as you would like to do everything the conservation authority would like to do. Is that correct?

Mr Campbell: I think everybody in this room would agree with that.

Mr Ward: Like Gerry feels when he talks about the federal transfer payments and how they've increased, and we say they haven't increased enough.

Your conservation authority was created in 1958, according to the background information we have. In my community of Brantford, which has the GRCA, the Grand River Conservation Authority, it was really driven by flood control of the Grand River. I think our community was one of the instigators, along with other municipalities of the Grand, to really spur the idea of a conservation authority in the early 1900s.

But in looking at the watershed, they're all creeks. I don't know the history of the other conservation authorities. Did they form and Durham was kind of left in a vacuum? You mentioned the one creek that has the potential to flood quickly. Was there a feeling in 1958 that, "We're left out of the other authorities; we should have one," and is that what drove the initiative in 1958? Do you have any history of how the authority was created?

Mr Campbell: I can only give you some very cursory information about that. The driving force that got our authority going was the conservation of land, albeit it happened in 1958, and of course Hurricane Hazel happened in 1954. It's a misconception, and I think a popular misconception, that it was this flooding problem that got a lot of authorities going.

Mr Ward: I was just relating it to my own community.

Mr Campbell: It was the conservation of land. I think a prime example is our neighbour to the east, with the Ganaraska forest and the Ganaraska River system. That forest used to be all blow sand, and that authority got going to preserve the land and establish that forest there. That's what happened with us and that's what happened in quite a number of authorities.

Mr Ward: In 1982, I'm assuming there were programs that were operated by your conservation authority to meet the needs of the times. What programs were you doing in 1982 that you're no longer doing, and can you give some examples of what you're doing now that perhaps you weren't doing in 1982?

Mr Campbell: The only example that immediately comes to mind of things we were doing in 1982 that we are not doing now is an education program where we'd cooperate with area schools and put on programs for them. Actually, we have a position vacancy in our staff for such an individual; it's been vacant for years and we've never filled it. I think it's very regrettable that that kind of activity has evaporated, but that is the case, and that end of our activity has shut down. We do something very similar, though, in what we call community services, which is more broad-based than dealing simply with school boards.

Things we are doing now that we did not do in 1982: waterfront management, water quality control. We did quantity but not quality. Those are certainly two big activities. There's quite a number of them.

Mr Ward: One last question: The GRCA's administration building is relatively new construction in Cambridge. How old is your administration complex?

Mr Campbell: We bought it in 1984; the building was built in the 1920s.

Mr Ward: Has it outgrown its usefulness?

Mr Campbell: No. It should be a heritage building. It hasn't been designated as such. When the authority bought this property, there are about 135 acres and nearly a mile and a half of watercourse right through the heart of Oshawa that go with it. It isn't simply a building, and we paid a very small fraction of what its actual market value was.

All we had to do was put in some new carpeting and paint the walls and then one partition to form a boardroom. It was almost a turnkey operation. As I'd indicated earlier, we've had almost a negligible increase in our staff, so the building suits us very well. The boardroom is getting a little crowded now for the number of members we have, particularly when we have delegations. That's tight, but other than that, the building suits us very well right now and I think should for the foreseeable future.

Mr Ward: You mentioned it was below market, that you got a good deal on it.

Mr Campbell: It's a 10,000-square-foot building. There are 135 acres that go with it. There's an adjacent building, which is a classroom and garage and workshop area—

Mr Ward: But who owned it before?

Mr Campbell: We paid \$285,000 for this property. It had a \$5-million outstanding mortgage on it and it was appraised at something just under \$1-million market value when we bought it. It was a leather tannery, its main office, and the firm had been bankrupt for some years.

Mr Ward: Thanks.

The Chair (Mr Robert W. Runciman): Mr Sterling, you had a quick question?

Mr Sterling: I have some concerns after hearing the discussion go around here, the fact that this conservation authority is totally controlled by municipal councillors. It seems to me that there is an opportunity for conflict of interest. The situation I could foresee, for instance, would be the transfer of responsibility from the municipality to the conservation authority for some functions which municipalities might have otherwise taken on. Has there been any transfer at all of responsibility, for instance, for the care of some park areas or whatever in the last three years?

Mr Campbell: Unlike the Metro scene, where you have local parks, for instance, city of Toronto parks, and then you have Metro parks and then you have conservation areas and then you have provincial parks, the piece that's missing in our area is a regional park system. The conservation authority really fulfils that role. You have local municipal parks which are high-activity areas; you have the conservation areas/regional parks, which for the most part are left as natural areas; and within our jurisdiction we have one provincial park.

Mr Sterling: I guess my point is that I don't know whether you are a conservation authority or a committee of council. That's the problem I see here. Three years ago, that was the major demarcation in terms of active councillors becoming the conservation authority. Is that the timing we're talking about? Was it three years ago?

Mr Campbell: Durham region was formed in 1973. In 1976, it would accept only councillors. You had to be either a local councillor or a regional councillor.

Mr Sterling: So it goes way back?

Mr Campbell: That one change occurred then. You had to hold political office, back in 1976, to be appointed a member of the authority. In 1991, I believe, for the 1992 board, council changed the rules again and said you had to be a regional councillor. Even local councillors no longer qualified.

Mr Sterling: When somebody wants to build in the floodplain and has to come in front of the conservation authority and ask for a permit, how does your record compare with other conservation authorities in terms of refusals, in terms of appeals and whether or not appeals are being allowed?

The Chair: That's the last question.

Mr Campbell: I wouldn't have comparative figures with other authorities. Of the applications that come before us, a great deal of background work is done with an applicant to try and make his application work. If his initial concept doesn't, we believe it's part of our service to make it fit. As a consequence, probably 99% of the applications that come before us enjoy a positive recommendation from staff and generally are approved by the board.

Appeals? I don't think we'd even average one a year. They are very infrequent. My recollection of any appeals that have gone to the mining and lands commissioner is that we have never lost a case.

Mr Sterling: Perhaps you could provide the committee with the record over the last five years. I would appreciate it on all of those questions.

Mr Campbell: Yes, sir.

The Chair: Thank you very much, gentlemen. We appreciate your appearance here today and wish you well.

Mr Campbell: Thank you very much, Mr Chairman.

The Chair: That does it for the committee today. I remind you that our next meeting is on February 1, with a starting time of 2 pm, and we'll be dealing with the Metropolitan Toronto Police Services Board. Meeting adjourned.

The committee adjourned at 1234.

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 - Stockwell, Chris (Etobicoke West/-Ouest PC)
- *Waters, Daniel (Muskoka-Georgian Bay ND)
 - Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present / Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Mr Ferguson
Rizzo, Tony (Oakwood ND) for Mr Wiseman
Sterling, Norman W. (Carleton PC) for Mr Stockwell
Ward, Brad (Brantford ND) for Ms Carter

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intersession, 35th Parliament

Official Report of Debates (Hansard)

Monday 1 February 1993

Standing committee on government agencies

Agency review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Lundi 1 février 1993

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux

Chair: Robert W. Runciman
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Président : Robert W. Runciman
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Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron



Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 1 February 1993

The committee met at 1407 in committee room 2.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

The Chair (Mr Robert W. Runciman): Can we come to order, please. Perhaps cut down on the side conversations as quickly as possible so we can get on with our business. We're a little bit behind schedule.

METROPOLITAN TORONTO POLICE SERVICES BOARD

The Chair: Our first witness this morning is Allan Andrews, the Metropolitan auditor.

Mr Andrews, would you like to come forward and have a seat, please? Thank you very much for accepting our invitation to appear here today. As you know, the committee has been reviewing the operations of the Metropolitan Toronto Police Services Board. A few months ago we had Ms Susan Eng, the chair of the board, and Mr Dennis Flynn, a member, appear before us and give their views in respect to a number of issues affecting the operations of the board. One of those, of course, given the tenor of the times, was the race relations practices of the board. We heard from Mr Flynn and Ms Eng on those matters, but we wanted to hear from someone else, perhaps a different perspective, and that's why the invitation was extended to you.

Would you like to say something briefly before we get into questioning?

Mr Allan G. Andrews: Yes, Mr Chairman. As I understand it, all the members have probably received or been briefed on the specific report. This was requested in April 1990 as a result of initiatives that were taken by both Metropolitan Toronto council and the police services board. There was really no precedent for such an audit, and in fact I suspect that many of the people who were asking for it had little idea of what it entailed.

The review was a multidisciplinary one. We in my department and myself brought what I would call some mainstream evaluative abilities to the task, and we supplemented that with expertise from the policing area, criminology, social services and other related skills. The study was primarily focused on the internal mechanisms and workings of the police force. It was not an attempt to solve all the race relations problems of Metropolitan Toronto and, apart from some minor consultative exercises where we spoke to various community groups, various minority groups, there was very little input from anybody outside the group that was working on the project.

We reported out on this project in September 1992, and I think the time that went by in performing this work gives you some indication of the extent of what we did.

In the process of doing the field work we looked at a number of head office functions—training, community relations and a number of other areas that function out of the headquarters area—and we also looked at a number of divisional police units around the city, selected to give a cross-section of communities that had a high number of minority groups and those that did not. We interviewed well over 100 police officers on a formal basis and had a large amount of interaction with a lot more.

I don't think this is the end product in this whole issue of evaluating what the police force is doing. I think it was a very useful exercise. While I got many questions initially asking about the group's ability to do such a study, I think the fact that we had no axe to grind, the fact that we were not taking any particular perspective, turned out in the end to be a strength for what we did.

We reported, as I said, to the police services board in September 1992, and the police services board has since taken some action to put certain processes into motion to address the recommendations of the report. I won't go into what the report said, since you probably all have been briefed on it already. I think I'll leave it there.

The Chair: Thanks very much, Mr Andrews. We all have copies of the report. We're operating under some rigid time constraints and we only have a half an hour allocated for questions and responses. So could each member remember that in terms of the time limitations and the length of your questions, and your responses as well. Mr Andrews. We're going to allocate 10 minutes to each caucus, and I'll look to Mr McLean to begin the questioning.

Mr Allan K. McLean (Simcoe East): You're the auditor for Metropolitan Toronto.

Mr Andrews: That's right.

Mr McLean: You do the audit for the police services board.

Mr Andrews: That's correct.

Mr McLean: The amount of the annual grant from the province is about \$43 million to the Toronto police services board?

Mr Andrews: The grant, as I understand it, is to Metropolitan Toronto in respect of policing.

Mr McLean: Right. Just a question: The Metro board is made up of a majority of provincial appointments, and yet Metro makes up 90% of the budget. What comments would you have with regard to that spread?

Mr Andrews: Well, that essentially is a political question, but the fact is that Metropolitan council has already taken a position that it would like the majority of the members appointed from Metropolitan council, since it perceives that it spends most of the money. I think one of the

positions one tries to take as an auditor is no position, and I think that's exactly what I have on that particular question.

Mr Chris Stockwell (Etobicoke West): I'm still not clear, Mr Andrews—and how are you? Having spent some time at Metropolitan Toronto, I know you're a superb auditor and accountant and so on, and you did a very good job there when it came to number crunching and so on and so forth. Explain to me how you qualify to do this study, because I'm really lost as to what your qualifications are that you should undertake this study in the first place. And who asked you to do it?

Mr Andrews: Well, the initiative for this study, as I mentioned before, came originally from Metropolitan council. The specific request to do it came from the police services board. I think it recognized the fact that, first of all, we brought to the table a lot of exposure, a lot of experience about the police and the police operation itself. At the same time, we were independent of the police services board. The appointment as auditor is by Metropolitan council, and that effectively appoints me also as auditor to the police services board.

To say I was not qualified is true only in the sense that I did not have any race relations specialty, but in fact we have done many projects that are of a consulting nature. In fact, to this particular study we added a number of expertises, such as a criminologist, an ex-police officer, an ex-Ombudsman of Ontario, who was also at one time the chair of the Ontario Human Rights Commission. We had staffing from other functions, from the multicultural and race relations area who perform certain work for us from Metropolitan Toronto. We had staff from the Solicitor General's office in their police race relations unit. All of these, I think, together gave us collectively the expertise to do this project.

Mr Stockwell: Okay. If you accept that assumption—I don't, but if you accept it, then the result of this report should in effect go a long way in resolving some of the issues that you're asked to address. I've read a few of these reports, not just this one, but in the last 10 years I think there's been a few of these kinds of reports, maybe not as elaborate or as in-depth, but certainly studies, reports by groups and so on and so on.

With all due respect, this report doesn't read a whole bunch different from what I've seen in the last eight or nine years. It may even be 10 years. It's no secret that one of the key components of any of these recommendations is for the police department to hire more visible minorities. They've always instituted these programs to hire more visible minorities, yet their success has been pretty bad, to say the least. It's been what I would suggest is maybe even a failure. It hasn't succeeded to the numbers that everyone wanted to see.

Give me an example of some of the things that you've made recommendations about that will reverse this trend or make this report, in my mind, read any differently than the last half a dozen—maybe not as in-depth but reports or papers—that I've read on this issue in itself.

Mr Andrews: Mr Chairman, the member is absolutely right that there is not a lot in this report that has never

appeared in other reports that have been issued on the subject.

What is different about this report, and I think it is a very fundamental difference, is that all of the other reports have been written from outside the police force. They have largely reflected anecdotal evidence, specific experiences of individuals who have given evidence, and this report is the first one, to my knowledge, that has looked at the issues internally within the police force. While it may not say a lot that is very different than any of the other reports, I think the credibility of it, given the fact that I am not a race relations activist or an advocate for police rights or anything of that nature, is substantially different. That, I think, is the fundamental difference.

Mr Stockwell: One last question. Have I got time?

The Chair: Yes, no problem.

Mr Stockwell: You completed this report. I read it with some interest. You went at this, you suggest, without any axe to grind. You were on neither side. You're an impartial third party who went in just to examine the issue. Tell me what you think about the compiling of crime stats based on race, whether you think that is an issue that needs to be addressed and what your position was going in and if it changed at all after finishing this report.

Mr Andrews: Quite frankly, before this project was handed to us, I hadn't thought a lot about anything to do with race relations other than as much as one has to, being involved in government. As far as crime stats are concerned, I don't think I had a particular position going in. I don't remember it if I did. It certainly wasn't a strong one, one way or the other.

1420

During the process we probably got, from very reputable people, both conclusions that said you should keep them and conclusions that said you shouldn't keep them. I think our position, when we finished it, was that there are a number of people, including people within the force, who feel the maintenance of crime statistics has one purpose only, and that is to demonstrate something about various minority groups.

In many respects in the policing community there is a certain attitude among some—not all, but some—who would say that those crime stats would show to the general population what it instinctively knows already. But I'd have to say at the same time that police officers themselves have strong opinions about a lot of things, even internally within the force, which in fact, on analysis, don't turn out to be true.

Our position was that there is little merit in keeping crime statistics to tell you anything about particular minority groups from a policing perspective. There may be other advantages for other people, such as sociologists or people in other fields, but from a policing perspective, even if such statistics showed certain patterns of behaviour in a certain group, the question would be, what do you do then? Our conclusion was: nothing.

What we did feel, however, is that in terms of measuring what police were doing in their relationships with minorities there was considerable advantage, and in fact a necessity,

to maintain some type of statistic that would measure what police did within the same types of conditions when they were dealing with people of different races. It was necessary in terms of managing what was happening, it was necessary in terms of determining if there was something wrong and changing it and it was also necessary to defend the police if they were wrongfully accused of mistreating particular groups.

Mr McLean: I have a short supplementary, Mr Chair.

The Chair: Very quickly.

Mr McLean: If you don't know what the statistics are to tell you who's creating the crimes, how do you know who you should be hiring to police the crimes?

Mr Andrews: I'm not sure that the two issues are entirely relevant. One of the things that came across in discussions with minorities to the degree we did was that while they feel issues like employment equity, in terms of making sure the force is representative of the community, were good things to do, they were not central to the relationship of police with minority groups.

The Chair: I'll have to move on. Mr Grandmaître, are you ready?

Mr Bernard Grandmaître (Ottawa East): Mr Andrews, one of the highlights of your report is better training of police officers, better training at the police college as well. Naturally, when we talk about better training and more sophisticated training, not only in Metro but at the police college, we're talking about cents and dollars. You're an expert on number crunching and also cost-effectiveness.

What are your thoughts on the proposal of the Minister of Municipal Affairs and the government whip and you name it—I'll take this back. He's not the government whip, he's just about everything else. I'm referring to Mr Cooke—what are your thoughts on disentanglement? How will this affect the police services board and Metro in general?

Mr Andrews: That's like asking what we think of the world state in terms of a specific issue.

Mr Grandmaître: If you have an answer, give it to me.

Mr Andrews: I think it is a very global issue. As it relates to the funding, the fact is that the funding, while it is nominally given for policing, and I think it was referred to earlier, really doesn't actually go to the police services board as a discrete item. A much larger amount is budgeted in the accounts of the Metropolitan corporation and is offset against any grants that are given from the province of Ontario. So in a global sense, provided the dollars all come out the same way at the time disentanglement—I have trouble with it too—goes through, there should not be any impact.

In terms of the training, while there certainly are dollars and cents attached to it, I think we intentionally tried not to make this an accounting-sounding kind of report. We were trying to address issues that related to the quality of the training, how it was focused, and recognizing that to do training in isolation from the reality of what happens on the street for the most part, for most police officers, would tend not to do a lot of good.

Mr Grandmaître: It won't do a lot of good. With the changes in the last three or four years to the Police Act and also disentanglement, I can't see how this government will resolve your problems, especially when we refer to police forces across the province of Ontario. When you tie in disentanglement, I have a terrible time understanding where you people will—I suppose the Metro police force will simply have to tax people in order to provide better training, but when you look at the present force, there are close to 6,000 police officers on the Metro force.

To train these people for today's activities and to respond to the need of the visible minority groups will take 5 to 10 years. So more efficient—more training will have to be done, and again I'm talking about dollars and cents. I don't know where they're going to get these dollars; if not from the provincial government, they'll have to raise Metro taxes.

Mr Stockwell: Parking tickets.

Mr Grandmaître: And parking tickets too. You're the experts; you're the auditor; you're the CA. You must have an idea of where these people will have access to additional dollars, if not the taxpayers.

Mr Andrews: I don't necessarily accept that we're inevitably headed towards increased taxes to respond in some way to what effectively will be 45% of the community of Metropolitan Toronto.

We have done a number of other studies on the police and continue to do some, and the issues are largely reprioritization of what the police in fact are doing, which they are doing themselves incidentally to a certain extent and managing in a very different way. The fact is that we have suggested, in some of the areas, that some activities which involve funding now could be done in a different way and the funding applied differently, in a more effective way to different activities.

There's no doubt that taking training as an isolated item will require some funding. But if you offset that against hopefully a diminution in the cost of dealing with the results of not training people properly—and that does cost considerably—I don't believe we are looking at megadollars in terms of dealing with that issue.

Mr Grandmaître: Can I go back to disentanglement? As you know, the recommendation in the white paper, if I can call it the white paper, will give municipal councils right across the province of Ontario a bigger say in police budgeting. What are your thoughts on giving municipal people more of a say in police budgets?

Mr Andrews: I didn't come prepared to speak about disentanglement, so what I say is based on reading just as much as the member has, I suppose, in the white paper.

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I've always felt, though, that the exercise of policing, from an operational standpoint in terms of the day-to-day work, should be divorced from political interference but that the police force as a whole has to be accountable for where it uses its resources. To the extent that the Metropolitan corporation funds it, I think it should be accountable to the Metropolitan corporation as to how it uses those resources.

Mr Grandmaître: So you do agree that councillors or municipalities should have more of a say in their budget?

Mr Andrews: In the sense that I just said, yes.

Mr Grandmaître: Let's talk about the composition of the existing police services board. We've appointed a number of new faces on the police services board in the last two and a half years. Do you think that the present membership represents or reflects Metro's population?

Mr Andrews: I really have no idea about that. You're asking me for a character assessment of the individuals. I couldn't really respond to that.

Mr Grandmaître: But you're responsible for this review of race relations and you've just finished telling us that you're not an expert. I've asked you a couple of dollars-and-cents questions, and you've told me you're not an expert in that domain. God, oh God, I'll have to ask what my friend asked you previously: Why do you think you were asked to do this review of race relations practices?

Mr Andrews: I don't know that I can add much to my previous response. This study was done long before disentanglement was on the table. We certainly did not consider anything to do with disentanglement when we did it, and I'm not sure that even if we had known about disentanglement it would have altered the realities and the truths as we determine them as to how police officers deal with minorities. That is what this study was all about. While resolving the issues around that may have some funding implications and there may be a perception that the composition of the board should change, it certainly had little to do with the study that we performed in 1991 and 1992.

The Chair: Thank you. I have to move on to Mr Marchese.

Mr Rosario Marchese (Fort York): Mr Andrews, I'm going to refer to the report that you have written and will ask you for clarification and elaboration on some of those points. The first one is, you state there's "no evidence...of organized, intentional prejudice or bias against racial minorities" on the MTPF, nor is there "evidence that the force attracts individuals who are overtly racist." However, an attitudinal change often occurs among recruits once they join the force. Can you just elaborate on what happens once they join the force in terms of this attitudinal change?

Mr Andrews: This was not particularly something we set out to determine, and in fact our audit program was not even designed to elicit this, but it became very clear as we went through our interview process and talked to people at various levels. I think I can perhaps best explain it by saying that the force has for a long time—and maybe society too, for all I know—taken the position that police officers can go out, be exposed to the types of things that they are exposed to and somehow not be changed by it. The training processes, the way they are managed, all of the things that go to the support of officers on the street, can somehow be characterized under the term, "If you're man enough to be a police officer"—it usually is a man—"then you're man enough to take it all." But the fact is that police officers do not have a pleasant job to do. They are, for the

most part, exposed to people at the low end of the social stratum, and we send them out to do work that probably none of us in this room would want to do.

As an institution, there has been little by way of remedial process to stop officers developing an attitude which is based on their exposure and projecting that attitude into a wider feeling about the groups of people they meet. What we were saying is that it's not wrong that when they meet criminals they feel bad about criminals; what we were saying is that when they meet criminals who are black or Chinese or anything else they project the feelings they develop into feelings about blacks or Chinese or other groups. It was clear that this was happening to some extent.

The Chair: Mr Marchese has allowed the Chair a brief supplementary, and I won't forget this. In respect to the area that Mr Marchese's quoting, you've talked about officers becoming biased and you've also talked about the objectivity of your report. In that section at the top of page 2 you say, "We did find evidence that, over time, officers develop strong feelings and beliefs as to attributes of individuals based on factors such as appearance and racial background." I've talked to an awful lot of police officers myself and I question the objectivity when you say that they're developing these feelings "based on factors such as appearance and racial background" and you do not talk about their on-the-job experience. I would think that would be one of the biggest factors influencing their views, and you make no reference to it whatsoever.

Mr Andrews: I thought our report had, Mr Chairman.

The Chair: This is your summary, page 2. To me the major ingredient in terms of how members of the force develop their views about particular groups or individuals in society would be their own experiences on the job, and you make no reference to that. It raises some doubts, in my mind anyway, about the objectivity of the approach.

Mr Andrews: I think if you read the whole report, you'll find it does explain that within the body.

The Chair: I would think the summary is a pretty key element of your report. In any event, we'll let Mr Marchese go ahead.

Mr Marchese: I would be interested in pursuing each item, but there are three or four questions I'm going to ask and I want to get to them. Another point that you raise is that the MTPF's existing race relations policies are flawed. The force's community outreach programs tend to be at the institutional level and divorced from day-to-day operations of the force. It would be useful if you could elaborate on that.

Mr Andrews: I don't think we said the policies were flawed. I'm not sure that "flawed" was a word we used either. But nevertheless, what we were referring to, I think, if I can gather from the other context of the question, was that the force in fact has done a lot of work in attempting to resolve race relations issues. The problem has been that they have usually been carried out alongside, but separated to a large degree from, the day-to-day operations of the force. While many of the police officers do get involved in community relations, do get involved in talking to minority groups, do get involved in projects related to trying to

cement relationships between themselves and minorities, for the most part it doesn't touch on the day-to-day operations of police officers out on patrol dealing on a one-to-one basis with the people they meet.

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Mr Marchese: So your recommendation in order to deal with that was?

Mr Andrews: Our recommendation—we have several, but the key one, I think, is that the force should recognize that race relations isn't a discrete set of activities one goes through on the periphery of operations; it is central to how everything is carried out in the police force.

Mr Marchese: Let me go on. You speak about the MTPF's employment equity strategy as perhaps having a difficulty connected to it in that we may be simply looking at numbers as opposed to looking at other aspects of employment equity. The force had not developed a program, for example, specifically geared to providing guidance and advice to the target groups. That speaks to the issue of moving beyond simply saying, "You've got to find people of the different ethnic and racial groups," beyond looking at numbers. You're suggesting you've got to do something else, in terms of outreach.

Mr Andrews: I don't think we had all of the solutions for everybody, and one of the things that was very evident after doing this report was that there were no easy solutions. Even if solutions could be found, there would probably still be problems with the end result.

What we were pointing out was the fact that the numbers game is difficult because, first of all, even at the rate the force was going it was going to take many, many years before it would in fact have a staff mix which would be representative of the community. Given the length of time officers had to be on the force before they would get promoted, it would cause another problem in terms of having what I call minority officers and women equally distributed through all of the various ranks in the force.

We were pointing out that the conventional ways that had been used in the past simply weren't going to accomplish the type of results envisaged in most programs for employment equity, and the force would have to be very innovative as to how it would approach it.

We did not particularly want to get into suggesting specific ways of doing it. One we did think about, though, would have been issues like lateral entry, although we know that has not been particularly successful in some police forces in the UK. As I said, we didn't necessarily have all of the solutions, but at least we tried to identify the problems.

Mr Marchese: Of course. I may have time for only one more question. I wanted to ask you what was the reaction—or at least, how did the Metropolitan Toronto Police Services Board react or respond to many of your recommendations?

Mr Andrews: Both the force and the police services board responded very positively. In spite of how it might have appeared, most of the senior management of the force thought it was a well-written report and addressed many

issues that should have been addressed some time previously.

One of the things they particularly liked about it was that it dealt with the force operations in an evenhanded way and didn't paint the force as absolutely one colour or another. In fact, what has happened is that a task force has been created under the guidance of the deputy chief of operations and it is presently working on its initial response to this report. I understand from discussions with the chair of the board and also with the deputy concerned that they expect to make some progress on most of the recommendations through there.

The Chair: Thanks very much, Mr Andrews. One of the aspects of this that I found interesting, and I guess makes reference to it being a good report, is the fact that one of the Toronto dailies painted it as a condemnation of the force and another Toronto daily painted it as a vindication of the force. In any event, we appreciate your being here today and giving us your time. We very much appreciate it.

The next witness is the chair of the Ontario Civilian Commission on Police Services, Douglas Drinkwalter. Welcome to the committee, Mr Drinkwalter.

I've mentioned that we have a very brief period of time to try and get in as many witnesses as we can today. Do you have any brief opening comments you'd like to make before we begin?

Mr Douglas Drinkwalter: I would like, sir, just to outline what this commission is and what it does. It is commonly called the Ontario Police Commission. The proper title is the Ontario Civilian Commission on Police Services. The background is that the commission was created in 1962 in response to a royal commission of inquiry into alleged corruption in policing. From that time until the proclamation of the present legislation the commission had two functions.

It performed a support role, and in that role operated the Ontario Police College, provided advice to police forces with respect to communications equipment, automobiles, firearms, ammunition, and that sort of thing. It provided day-to-day advice to police chiefs and so on. It also had a judicial role and public oversight role, and over the years the commission came to focus upon its support role and ignore to some extent the other role.

The Police Services Act, which changed the name of the commission, was proclaimed on December 31, 1990, and I believe, Mr Grandmaître, that occurred on a weekend when the name was changed. The present role of the commission is to hear discipline appeals brought to us by police officers who have been disciplined, to settle budget disputes that arise between a police board and a municipal council and to conduct public inquiries into either the operation of a police force, which we can do on our own initiative, or in response to a cabinet order to conduct public inquiries into policing generally. That, sir, is a brief outline of who we are.

The Chair: I'm sure you understand that our review is of the Metropolitan Toronto Police Services Board.

Mr Drinkwalter: Yes, I do.

The Chair: You were asked specifically because of the inquiry into the administration of internal investigations—Constable Gordon Junger; am I pronouncing that correctly?—and how that matter was handled internally and of course the recommendations coming out of your inquiry.

Mr Drinkwater: It's pronounced with a Y although spelled with a J.

The Chair: I'm going to rotate the start. Is the official opposition ready to begin?

Mr James J. Bradley (St Catharines): I guess I have more of a general question that arises from this and your role and your experience, and that relates to whether you believe after your observations that police services boards and the public they serve would be better off if they had a majority appointed from the local municipalities rather than a majority of the members appointed by the provincial government.

Mr Drinkwater: That, sir, is a political question and because of that I'm not qualified to answer. I believe it would have no effect on the operation or the functioning of the commission which I chair. The fact that the provincial appointments constitute a majority I believe flows from the philosophy of the present legislation. The legislation gave the Solicitor General very substantial powers over policing in the province, and among those is the authority or responsibility of this commission that I chair to enforce costs upon the taxpayer.

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Mr Bradley: The municipalities in many areas of the province have made the case that almost inevitably, when there is a dispute that arises between the police services board and the municipalities over the amount of money that is going to be allocated in that specific year, their experience seems to be—and you may correct me if this is not the case—that the police services board almost always wins the case and that the local municipality ends up picking up the tab as a result. In your experience and your observation, has it generally been the case that the police services board position has been sustained at the expense of the local municipalities?

Mr Drinkwater: It's not my belief, sir, although I agree it is the perception. There's no question about that. People do believe that. I was appointed to this position in late July 1988. Since that time we have not come down on the side of a police board without pointing out to council how money could be saved.

We did a hearing with respect to the town of Wallaceburg. The municipal council wanted to reduce the budget by \$80,000 and proposed to us three steps that could be taken which would achieve that aim. We refused to permit those steps to be taken because we felt they would endanger the community. One of them was to reduce policing in the harbour. Wallaceburg has a very busy tourist harbour or boating industry. On the other hand, we pointed out how the \$80,000 could be changed by changing the structure of the organization. We felt they had many high-priced people doing low-priced jobs. I believe the perception is false, although I can see the perception certainly is there.

Mr Bradley: Would you believe that a police services board is better able to reflect local points of view, as opposed to provincial points of view, if it has a majority of members who are appointed locally by local municipalities, as opposed to by the provincial government, where it is alleged from time to time that there are people who are appointed based on their political affiliation as opposed to necessarily the best interests of a local municipality, and I say that generically as opposed to simply with this government.

Mr Drinkwater: I think it's important to realize that the people appointed by the province are local people. There are many people in the province who were not aware of that, particularly with the change in legislation which required all municipal forces to have boards. Before that, there were some 30 or 40 that did not have boards and there was a great fear that the people appointed by the province would be people who were not part of the community. The fact is that those appointed by the province are part of the community. So I can't comment on your question beyond that, Mr Bradley. I really have no idea.

Mr Bradley: There is a concern that is expressed that municipalities throughout the province, outside of the province of Toronto—

Mr Drinkwater: The province of Toronto; yes, I understand.

Mr Bradley: —the municipality of Metropolitan Toronto are heavily influenced by what is good for Toronto. Would you assure us that the Ontario Police Commission, as I still call it, and forgive me for still using the old terminology—

Mr Drinkwater: Fair enough.

Mr Bradley: —now reflects viewpoints from across the province as opposed to only the viewpoints of Metropolitan Toronto. This is a concern that we have in the hinterlands of Ontario.

Mr Drinkwater: The members of the commission all reside outside Metropolitan Toronto. I live in the town of Simcoe. We have a member from Windsor. We have some from Ottawa. I'm sorry; we do have one member from Toronto, Karl Fuller.

Mr Stockwell: Get that guy off.

Mr Drinkwater: Yes, get rid of him. There is a very substantial difference between policing conditions in Toronto and policing conditions in other parts of the province. There's a very substantial difference between the situation in Ottawa and the situation in Windsor. There's a substantial difference between Windsor and London, and London and Niagara Falls. This province of ours is such a beautifully varied jurisdiction that one couldn't import the culture of one part of the province and impose it on the culture of another.

Mr Bradley: It must simply be perception rather than reality, then, that I'm encountering from time to time in those areas outside the GTA.

Mr Drinkwater: I worked as a crown attorney outside Toronto for many years. Our theory was that Toronto's problems were solved by exporting them to Ontario.

The Chair: Mr Cleary.

Mr John C. Cleary (Cornwall): Mr Drinkwater, I just have one question. In many parts of Ontario, there are many interested citizens who would like to become auxiliary police officers and work more closely with the police, and they seem to have run into some problems. Would you like to comment on that?

Mr Drinkwater: I'm not aware of the problems, Mr Cleary. Perhaps you could be a little more specific.

Mr Cleary: Well, they seem to have a problem getting on to the department.

Mr Drinkwater: Oh, I see. First of all, let me say that this commission supports unreservedly the concept of community policing, and that includes volunteerism. The system for auxiliary police officers has been in place for many years and we have just in the past year changed a system which was in place to recognize volunteerism. We had a long-service medal for auxiliary police officers which was created many years ago, and in the past year we have expanded the eligibility for that medal and have reduced the length of service so the first award is made at 20 years rather than 25, and a bar added every five years.

I want to assure you that this commission stands very strongly in support of volunteerism, and particularly the auxiliaries. Without them, many police forces could not operate.

With respect to bringing them on to the force, I am not aware of any difficulty in qualifying or eligibility or acceptance. I am aware that there is a concern among the police associations right across the province, which are concerned that auxiliaries might be used to replace full-time police officers. That is expressly prohibited by the legislation, although allegedly it has occurred.

Mr Cleary: Thank you.

The Chair: All right, thanks. We'll move on to the government party..

Mr Marchese: Mr Drinkwater, I've got two or possibly three questions and some other questions coming from my other colleague.

Mr Bradley: I saw David Cooke go by the door there.

Mr Marchese: I beg your pardon?

Mr Bradley: David Cooke just walked past.

Mr Marchese: Thanks, Jim.

Under section 23 of the Police Services Act, "If the commission is of the opinion, after holding a hearing, that a board or a municipal police force has flagrantly or repeatedly failed to comply with prescribed standards of police services," the commission is empowered to suspend or remove from office the police chief or members of the board or to disband the entire police force. Under what circumstances would the commission ever exercise that power?

Mr Drinkwater: Well, sir, that is of course hypothetical. We have never done a hearing under this section. I want to say first that the expression "prescribed standards" refers to regulations. Those are standards of policing proposed by the Solicitor General and accepted by cabinet and written in the form of a regulation.

Secondly, the section says "flagrantly or repeatedly failed to comply." So we would have to find a situation which complied with that "repeated," which to me would mean more than twice, or "flagrant," and we would have to find that the authorities in question, which is to say the chief of police or the members of the board, had no legitimate or acceptable explanation for not complying.

We would then look at the standard in question and ask ourselves how important this is, or whether it is important at all, in this community. For instance, if there were a standard governing the police lockup and the standard is breached in that the police lockup is considered not to be safe, if we are in a small community where they have only one prisoner once a year overnight, and when that occurs they put an extra police officer on duty for safety purposes, then we wouldn't be much concerned.

I don't think I can be any more specific than that, sir.

Mr Marchese: Would you say that the words "flagrantly" or "repeatedly" are perhaps too liberal in terms of the kind of flexibility that you're given, in the sense that you may have, first of all, the discretion to interpret something as flagrant or not, and in the opinion of some, it could be flagrant, but in the opinion of the commission, obviously it couldn't, so it's a very elastic term in terms of how you deal with that? Is it possible that some critics are saying, "Yes, some of these incidents over the past have been flagrant in our view, but as far as the commission is concerned, it isn't"? Is it possible that the term "flagrant" is just a bit too elastic?

Mr Drinkwater: I really can't comment on that. I really have no opinion. If we were to write a report, I have no doubt that some people would disagree with it, that some people would be of a different opinion. If we were to say, "This has been flagrant," I'm sure there would be some who would say, "No, it is not," and vice versa. If we were to do such an inquiry, one of the possible results would be to find the conduct has not been flagrant, but that improvements are needed and to make some recommendations.

1500

Mr Marchese: The Ontario Civilian Commission on Police Services commissioned the Junger inquiry and there were, I think, 24 recommendations that came out of that.

Mr Drinkwater: Yes.

Mr Marchese: Can you highlight some of the most important ones, in your view, that you think we should know about.

Mr Drinkwater: There is one most important one, and that's the thrust of the entire report, and that is that police boards must take more responsibility for the conduct of policing and the delivery of service in the community. The conduct that was examined in this inquiry occurred before the present legislation was in place, and at that time police boards took a relatively minor role in the operation of a police force. Now their role is much expanded and their duties and responsibilities are much expanded.

The thrust of this report is in effect for the province, or I suppose specifically this commission, to hold the local people accountable for local policing and to try to send a message to police services boards saying: "You are there

to represent the public. You're not members of a private club called policing, and it's your obligation to deliver service to the public and to account to the public when things go wrong."

Mr Marchese: Any other recommendations, or is that the most important?

Mr Drinkwater: There are 24, but you're asking me for the important part of it, and in my view that is the important part.

Mr Marchese: Okay; thanks very much.

The Chair: Mr Cooper, go ahead.

Mr Mike Cooper (Kitchener-Wilmot): Following up on Mr Marchese's first line of questioning on the elasticity of "flagrantly" and "repeatedly," on the employment equity it stated, "Where reasonable efforts have not been made to meet employment equity requirements, the chief of police or members of the board can be suspended or removed." Do you feel that "reasonable efforts" is too loose, or do you think that should be tightened up?

Mr Drinkwater: I don't know how you could tighten it up. Achieving the goals of employment equity is, first of all, difficult; secondly, a long-term proposition. I suppose the question becomes a political question: How much can you ask people to do?

The problem I have with that is that the members of this commission that I chair are going to have to decide what is reasonable. Have these efforts that these people have made been reasonable, or are they falling short of the requirement? Is more required of them?

Mr Cooper: Okay. Looking at the mandate of this committee which is studying the Metropolitan Toronto Police Services Board, looking at the policing standards and the employment equity, would you say that the Metropolitan Toronto Police Services Board is functioning properly or appropriately?

Mr Drinkwater: That the board is functioning appropriately?

Mr Cooper: Or effectively?

Mr Drinkwater: I can't answer the question. We haven't looked at that. The inquiry we did was only into their internal affairs unit and their discipline system. The commission has not looked at the overall operation of the force.

Mr Cooper: All right. That's the mandate of this committee. That's what we're studying right now and that's why I was asking the question, to see whether you had a personal opinion on whether they were being effective or not, or whether certain changes could be made to the board.

Mr Drinkwater: I can't answer that, as I say, because we have only looked at this one small aspect of the force. But I ought to add that we have been very pleased with the response of the board to the recommendations.

Mr Cooper: Thank you very much.

The Chair: This is a supplementary, since you have an extra minute available. The changes that came into force in respect to the act and the operation of police services

boards: Do you think they could have eliminated the possibility of something like the Junger matter occurring?

Mr Drinkwater: No, they would not eliminate the possibility of Junger, but they add the possibility of our removing the members of the board for failing in their duty to monitor what's going on in the police force.

The Chair: I see.

Mr Drinkwater: This inquiry found conduct which we criticized, conduct of which the board was not aware and in our view ought to have been aware. Under the present legislation, they have a duty to monitor which did not exist under the former legislation.

The Chair: Is that presenting any difficulties for Metro police specifically or any other force that you're aware of?

Mr Drinkwater: I can't speak of any particular police force, but I can tell you, there is now a tension, and it will probably last for five or six years, between police officers on the one hand and boards on the other, because boards are struggling to accept their new responsibility and this is something entirely new to the police community, to have civilians telling them what to do, to have civilians setting the goals and objectives for the force and to have civilians monitoring the police chief. So there is a tension right across the province, not just in Metropolitan Toronto.

The Chair: Okay, fine. Mr Stockwell, then Mr McLean.

Mr Stockwell: First off, I'm not sure exactly—that recommendation you made would surely not have resolved this particular problem that we're discussing, the Junger affair.

Mr Drinkwater: What recommendation?

Mr Stockwell: The recommendation that the board be more accountable, is it? I mean, they just didn't know. The bottom line is, nobody told them, and the chief in here says himself: "When he did see it, he was not overly concerned because he believed the prosecution of the officer in criminal court or disciplinary hearing was not a viable option. He insisted the agreement was not a deal because neither party got anything out of it." Well, that sounds like some kind of idiot speaking, but ignore that. "But he was sufficiently worried about public criticism when he saw the agreement that he thought it best to keep the agreement confidential."

So you can make all the recommendations you want. If the police aren't telling the board, there's little, if anything, they can do about it. Wouldn't you agree?

Mr Drinkwater: No. The board hires the chief, the board is responsible for the chief and the board can fire the chief.

Mr Stockwell: Did you recommend that he be fired?

Mr Drinkwater: No.

Mr Stockwell: Why?

Mr Drinkwater: Because we were looking at the administration of the force and we chose to hold the local authority responsible and we chose to say to the board, "This is what you should be doing."

Mr Stockwell: That's hilarious. That is really hilarious. They don't even know this is happening, the board.

Mr Drinkwalter: But they have a duty to know, and that's where they failed.

Mr Stockwell: Of course they have a duty, and the chief didn't tell them, but it's important that in fact the chief tell the board and it's important for the board to act. Now where did the breakdown in communication take place? It took place between the chief and the board, and your recommendation is that the board has to be more active. It would have seemed to me that if I were doing this inquiry and I was trying to find out where this whole thing broke down, I would have recommended that the chief in fact be terminated, because he didn't carry out his role either properly or fairly for the board.

Mr Drinkwalter: His answer to that was, "I didn't tell them; they didn't ask me."

Mr Stockwell: That sounds like Mr Pilkey.

Mr Drinkwalter: They read the story in the newspaper to the effect that an agreement had been made with the officer, and the chief was not asked to produce the agreement and explain it.

Mr Stockwell: And you bought that? Do you think that's a reasonable response from a high-ranking—

Mr Drinkwalter: I didn't say "reasonable." That was the evidence—

Mr Stockwell: Do you think that's an acceptable response?

Mr Drinkwalter: No.

Mr Stockwell: Then why didn't you recommend that they get rid of him?

Mr Drinkwalter: Responsibility to ask the question rested on the board, not the chief.

Mr Stockwell: The board didn't even know what was going on. Are they supposed to come in every day: "Okay, chief, tell us everything's that happening today that's going to get us into trouble"?

Mr Drinkwalter: No.

Mr Stockwell: Well, that's the kind of question you have to ask.

Mr Drinkwalter: No. What's happening today that's going to get us into trouble is on the front page of the newspaper, and they ought to have asked the chief: "What's behind this story? Let us have a look at the agreement."

Mr Stockwell: Okay, next. Clearly, in my opinion, just offering my opinion, which coming from the third party is worth this much, someone screwed up big time here, big time, and I think somebody's head should have rolled someplace along the way. As far as I can tell, nobody's head rolled over this affair, and I think that's probably one of the reasons why you have this perception out there about the police that they can basically do as they wish, because something like this deal was cut, negotiated and agreed to, which everyone finds unacceptable yet nobody pays any price for.

1510

I thought with your investigation your recommendation would have gotten to the heart of the issue and you would have made a real recommendation that, "Look, somebody's responsible for this, and it's up to them to accept the ultimate responsibility, which is their resignation." Moving on, unless you want to comment on that.

Mr Drinkwalter: No, thank you.

Mr Stockwell: Moving on to the other issues, beyond that, after that comment I made, this loses its interest to me because I think it was handled badly from all sides.

About local boards having accountability, how can you tell me that local boards have accountability to the local people and their local councils and the local constituents yet the local boards don't even have a majority of people appointed? It seems to me you're arguing both ends against the middle.

Mr Drinkwalter: No, they're all local people, all five of them or three of them or seven.

Mr Stockwell: Then why aren't they appointed by the local councils that pay 90% of the financing?

Mr Drinkwalter: I can't answer that. That's a political question.

Mr Stockwell: So you have no opinion as to who should be appointing them?

Mr Drinkwalter: Who should? No.

Mr Stockwell: None whatsoever.

Mr Drinkwalter: None.

Mr Stockwell: How about paying for it? Do you have an opinion on that one?

Mr Drinkwalter: Paying for policing?

Mr Stockwell: Yes.

Mr Drinkwalter: Again, that's a political question. It may be that the province ought to pay the full cost of policing right across the province. In a situation such as we have today, there is criticism because people in municipalities pay probably 85% of the cost. There's a small provincial grant. People who live in rural areas pay nothing directly because they're covered by the OPP, and we all contribute to that.

Mr Stockwell: But I'm speaking about the Metropolitan Toronto board, where I think Metropolitan Toronto taxpayers pay, like, 90% of the cost of running the police.

Mr Drinkwalter: It's certainly 85%; it may be higher than that, yes.

Mr Stockwell: Have you ruled on expenditures by them?

Mr Drinkwalter: Metro? No, I don't think so. We haven't since I was appointed, certainly not.

Mr Stockwell: Because that's another particular issue that sticks in my—

Mr McLean: Craw.

Mr Stockwell: —craw. Yes, thank you. I don't know why you have to go in and tell anybody how they should be spending their money, and it really makes me wonder. You tell them how they can save it and how they can spend

it as far as policing is concerned with these other communities in Ontario.

It seems to me that if the province is prepared to tell municipalities how to spend their money, it's also prepared to tell them who they should be appointing to their police services boards and it's also going to tell municipalities how much money they have to kick in. It seems to me they should also be prepared to give up the decision-making. I think that's the last thing that they've offered to the municipalities, particularly at Metropolitan Toronto.

I'm not really sure why Metropolitan Toronto council has to pay all the bills, take all the flak and receive all the heat when these reports come down, yet the province appoints the majority of representatives. Although it's a political question, it's just a thought that I have on the issue.

Mr McLean: "Recommendation 17: The Attorney General of Ontario should appoint a task force to develop practical mechanisms and measures to support victims so as to encourage their cooperation in testifying against perpetrators of sexual crimes. The findings of the task force should help police to prosecute more sexual assaults successfully. The task force should not be limited to cases where the accused is a member of a police force, but it should give special consideration to that aspect of the issue."

That recommendation is fairly strong, in my opinion. Can you elaborate on it?

Mr Drinkwater: That recommendation came from the evidence which was heard which related primarily to the discipline system, and it was our feeling that female victims were, frankly, being dealt with as second-class citizens. We didn't have any evidence about female victims of sexual misconduct, generally; our evidence was focused upon the discipline system of the Metropolitan Toronto Police Force, but it was our feeling that if women are dealt with in such a shoddy manner in discipline cases, it's probably equally true in criminal allegations and criminal investigations.

Mr McLean: Can I read you recommendation 19, and I'd like you to fill me in on that one as part of your answer to this one.

"The Metropolitan Toronto Police Services Board should adopt policies on the support for and involvement of complainants against police. Victims should be assured that they will be advised of the progress of disciplinary proceedings and will be able to participate. Victims should also be assured they will have the right to request anonymity and a closed hearing, at the discretion of the hearing officer, in cases involving sexual crimes."

That is also a very strong recommendation. Could you elaborate on it?

Mr Drinkwater: It comes from the fact that a female complainant was dealt with in what we concluded was a very shoddy manner. She had asked for anonymity. Anonymity was assured and then her name was made public. There was a discipline hearing as a result of her complaint, but she was not advised of the date of the hearing. There was an agreement made between the officer prosecuting the case and the officer accused, which is not unusual and

in and of itself is not improper, but the statement of facts given to the officer hearing the case, the officer who would impose penalty, is certainly not something the victim would have agreed with had she been given an opportunity. She was quite simply ignored. The answer we were given in the hearing was, "Well, she was so disinterested she didn't even attend the hearing." "But she wasn't told when the hearing was. How could she be there?" "Well, if she had any interest, she would have found out on her own."

Mr McLean: Recommendation 21 is also taking a slice off the Metropolitan Toronto Police, not only them but the board and the chief. "The board should review the evidence presented during the inquiry and take whatever action is considered to be necessary and appropriate." This overall report is pretty damning on the Metropolitan Toronto Police Force, in my opinion. Do you agree with that?

Mr Drinkwater: Yes, I do agree with that.

Mr Stockwell: Is there any more time?

The Chair: No, there's no time left. Thank you, Mr Drinkwater, for taking time out of your busy schedule to appear here today. It was very good of you.

Is Frank D'Andrea here today?

Mr Drinkwater: No, sir.

The Chair: Okay, fine. Thank you.

Our next witness is from the Metropolitan Toronto Police Association, Mr Art Lymer, who's the president of the association. Mr Lymer, welcome to the committee, sir. Do you have anything you'd like to say briefly before we get into the questions and responses?

Mr Art Lymer: No. I'll just have some off-the-cuff comments. I'm not prepared to come here and challenge the rights or the wrongs of the inquiry that was done on the Metropolitan Toronto Police Force, although I will be willing to answer any questions if it's within my ambit to be able to do so with the knowledge I have of it. It was my understanding that I was asked to attend here to get my overall views of police services boards, possibly the way that the Metropolitan Toronto Police Services Board has been operating and how police services boards in general should be operated throughout the province.

The Chair: I think that's a fair understanding of the reason behind the invitation. I hope members will respect Mr Lymer's understanding of that as well. We'll begin with Mr Frankford.

Mr Robert Frankford (Scarborough East): Can I ask you succinctly your thoughts about community policing?

Mr Lymer: Community-based policing?

Mr Frankford: Yes.

Mr Lymer: Obviously, community-based policing has to take place and it has to be a success. I do not think we can continue to go on with the type of policing and service that we were providing to the public. It was found to be very costly. We were attending all calls for service. Police officers were backed up with radio calls, and on the radio calls they were attending they were not able to get the proper service to the public because—

Interjections.

The Chair: I'm going to have to interrupt, Mr Lymer. I apologize, but I want to encourage members, if they have conversations, to take them out in the hall, because I think it's very distracting for the rest of us. We have a continual conversation going on here. I'd encourage you to take those conversations elsewhere. I'm sorry, Mr Lymer; please continue.

Mr Lymer: Probably, community-based policing, if it is a success, and there's no reason why it should not be, will provide a much more efficient police service and we will be able to give a better service to the public. I think you can cut down the costs of policing as well as a result of that, but it will take a long time to really achieve success in a large city such as Metropolitan Toronto.

1520

Mr Frankford: Can I ask you about your views on the relationship between the local communities and police in the context of community policing? Do you see more opportunity for input from local areas as opposed to just the board as it exists right now?

Mr Lymer: Certainly, that is happening in Metropolitan Toronto now. I am on many committees. I'm on the Council on Race Relations and Policing. They are taking place all over the city. There are different parts of Metropolitan Toronto that have their own race relations councils that have meetings trying to get interaction between the police, and that is the foot patrol officer, the scout car patrol officer, meeting with the communities, seeing what those communities' concerns are and how they can best serve them.

There has to be that interaction rather than just attending radio calls. You've got to get out there and meet with the community and help it with its problems and help it solve its problems itself.

Mr Frankford: You may have heard some comments during the afternoon about the composition of the board and provincial versus local appointees.

Mr Lymer: Yes.

Mr Frankford: I don't know if there's any ideal answer on that. Would you comment? It seems to me that we have seven appointees—

Mr Lymer: In Metropolitan Toronto.

Mr Frankford: —or seven members for a city of—

Mr Lymer: Three million.

Mr Frankford: —three million. In this committee we also hear about small police commissions where you have three commissioners for a town of 10,000. Do you think there's some inconsistency there or is there some ideal size?

Mr Lymer: It is not only the composition of the boards. I know you want civilian accountability, and I've heard the arguments that if the council is paying the bulk of the police salaries, it should have the input on how that policing is to be done. But if you go that route, you may end up having a hodgepodge of policing all across the

province where various boards have determined by themselves exactly how that will be done.

I know there are differences. You need to police some parts of Ontario differently than you do others. But when you get into the political question, I think that in order to keep politics out of policing as much as possible, probably I would favour the present system as it is now where the majority of people appointed to those boards are done provincially, even though the people who serve on those boards work and live in that municipality.

But then you have to look at the composition of the board members themselves and how long they serve. They can only serve for two three-year terms. If civilians are going to control the force the way they expect to do, is it reasonable to expect them to have a full knowledge of the police force and to really have their fingers on the pulse, from top to bottom, on what is happening within the police force? Is it really fair to expect those people to come in?

It would take them at least two or three years before they get that knowledge. Then they'll have a three-year worklife where they can be useful, and then they're gone and you have another board coming on. So you've got that turnover. I think some consideration should be given to the way we had it in Metropolitan Toronto and other police services boards before.

We had a judge who was on the police services board as a matter of right. There were some problems with that. Some judges were sitting as arbitration chairpersons when it was deciding what the salaries and benefits about the police forces would be. I think there is some merit to having a judge on a police services board.

Mr Tony Rizzo (Oakwood): Mr Lymer, do you think there is a tendency in some sectors of the Metropolitan Toronto Police to play politics?

Mr Lymer: There may well be. I know that in Metropolitan Toronto, my views are that some members have been appointed to the police services board who already had an agenda of their own. They had a conception of their own that things were radically wrong with the police force and that they were going to them.

Really, when you have a force as large as Metropolitan Toronto's, and you have the avenues in place of senior officers running the force and consulting with government on how to do it, I think that if the members of these boards were to take their direction mainly from the senior officers on the force on how they've handled it, if you accept that you've got a good police force and that police force has the respect of the citizens it serves, then I do not see the reason why people should come on with their own preconceived agenda to make sure that they're going to change the way that police force has been run, even before they were appointed or shortly after they are appointed.

You do have people who may be appointed who already have a hidden agenda and preconceived notions on what they intend to do with that police force as soon as they're appointed.

Mr Rizzo: But who has any authority to judge if anybody who has been nominated has a hidden political agenda?

Mr Lymer: That's hard to say.

Mr Rizzo: Do you think the alternative may also be true, that there are some police officers who may have a hidden agenda?

Mr Lymer: You've got the checks and balances for any police officers who are acting inappropriately. We come under so many commissions and different people who oversee policing: the front-line supervisor, the next supervisor, the unit commander. You've got the Ontario Police Commission services. You've got citizen complaint. You've got the SIU. There's a whole range of different agencies that can look into police wrongdoing, and they do and there's nothing wrong with that.

Mr Rizzo: But at the bottom line, do you believe that when there's a decision to be taken or an order is given, it's the duty to any police force, police officer to obey whoever is the boss? In this particular case, I think it's the civilians who occupy a certain position who have been nominated by the political authority.

Mr Lymer: Are you referring possibly to the job action that we just went through?

Mr Rizzo: Not only that, but in any particular circumstances. Yes, it's also possible.

Mr Stockwell: Don't beat around the bush.

Mr Rizzo: There are many other cases.

Mr Lymer: Certainly, we believe that we should obey the lawful orders of the chief, and sometimes the chief is made the meat between the sandwich. That is what happened with the recent job action that we did. It's unfortunate. We made a decision. Our membership by itself made a decision because things had deteriorated so much that we had to do something, and we did something.

There was a court challenge. There was an injunction against that job action and that's the route these things normally go. There was discipline meted out as a result of that. It was only to the Metropolitan Toronto Police Force that there was any discipline, because there were many other police forces; nearly every police force across the province eventually became involved in the job action.

Mr Rizzo: Do you think the situation has improved since then and that therefore citizens can really believe that there is some kind of willingness to work together between the politicians and the police force?

Mr Lymer: Yes, I think they do. If you are aware of any studies that have been done, the citizens of Metropolitan Toronto give the highest regard of any other police force in Canada to their police force: 89% of the public out there fully supports the police; only 5% do not and the other 5% are undecided.

The Chair: I have to jump in there and move along to Mr McLean.

Mr McLean: On August 17, the task force released an interim report that recommended the government create a Race Relations and Policing Monitoring Audit Board to serve as a community watchdog. Has that been set up? Are you aware?

Mr Lymer: It has been set up within our force, even prior to the employment equity program being put into place. Our force had done everything it could to hire as many people from the prescribed groups as it possibly could. I know the legislation there refers to sanctions that will be imposed against police forces that do not make honest attempts to meet those goals. The legislation also says there will be rewards. I'm still waiting for the reward to be given to Metropolitan Toronto for the good work that it has done in its employment equity achievements.

1530

Mr McLean: How have they done with regard to the review of the race relations practices?

Mr Lymer: I'm not too sure on the latest study that has taken place, other than the Andrews report that has been done. The Andrews report was not critical of the force itself, and the members of the force and the rank and file. It was critical on the programs to be put in place, the length of time that it will eventually take to get full employment equity, and the race relations training within itself on how they would get police officers trained. It's a very expensive proposition because you're going to have to take police officers off the streets and put them in the classroom. Presently, we do not have the manpower to be able to do that.

Mr McLean: Have there been any reports at any time which would indicate the amount of crimes, who's committing the crimes and the amount of different groups that are creating the crimes? Has there been any report that would indicate that?

Mr Lymer: No. Our police services board many times turned down the suggestion that we should be collecting race crime statistics. There are other people who have other views, who feel it would be useful. I personally believe, myself, it would be useful, as every other police force on the North American continent, with the exception of Canada—in Britain and Europe they do and they find it useful, so long as they're not used to try to stereotype certain people and certain classes of people.

Mr McLean: If you had those statistics, wouldn't it indicate to you where your priorities should be with regard to hiring practices?

Mr Lymer: I'm not too sure that it would be with the hiring practices, although in some avenues it might be. Certainly, we need far more Chinese police officers than we have on the force, because of the types of crimes that are now becoming prevalent in Metropolitan Toronto. That might be one indication there, yes. But broadly speaking, among all the other prescribed groups, I'm not so sure that that would be the solution.

Mr McLean: Is the police services board not looking at that very aspect in its hiring practices, where you indicate there's one group where you feel you need more policing?

Mr Lymer: Yes.

Mr McLean: Why wouldn't they be making recommendations?

Mr Lymer: I'm not sure. You'd have to ask them that question, sir.

Mr Stockwell: This is about the police services board. What are your feelings about how the police services board works right now in Metropolitan Toronto?

Mr Lymer: Well, it hasn't been a very rosy relationship over the last two years, but I think things are beginning to settle down now. There was a lot of criticism of the force itself. I believe some of the members who were elected there had the preconceived notion that the force was racist. We think the Andrews report suggested that we do not have a racist police force. There were checks and balances in there to identify police officers who may be discriminating against people, and if they're found to do that, then obviously they're going to be sanctioned and ultimately fired from the police force if not corrected.

Mr Stockwell: Let me ask you this, then: Do you think there's any problem with the police services board, or is it the players who are on the board, or is it both?

Mr Lymer: It's a question of a lot of things. It's a question of the police services board members. There are seven and they are only part-time members. I think they need to get more involved in the policing issues themselves, spend a lot more time than they do. We've just had a conference in Metropolitan Toronto that was well attended. There was nobody from our police services board who attended that conference. I think they've got to be compelled to attend a lot of these seminars and conferences that are done on policing, where you get all the groups together—not only the police services board, but the police associations, the chiefs of police, the municipal authorities, members of government—so that they would get a better picture of what is happening out there in policing.

Mr Stockwell: I spent some time on the local council and had to deal with the police themselves. There is some truth to the fact that the police are often on an island on their own a lot of time. They spend money the way they want to spend money and do what they pretty much want to do because they have always had this policing argument they've brought forward that if you didn't do this, crime would go up. So to a degree there is some degree of autonomy they have that most other bureaucracies and departments don't have.

Being at arm's length, too, from the decision-makers, the elected people, either here at Queen's Park or your council, you then have another layer away from accountability. What about this local appointments versus provincial appointments, and political appointments versus citizen appointments? Any thoughts on whether they should be political, whether they should be private citizens, and who should be appointing, provincial or municipal?

Mr Lymer: It's a tough question to answer. I certainly do not want to see us go the way of United States police forces where decisions that are made are very political in nature, and as a result the associations and the unions in the States have had to get themselves involved very deeply in the political process.

I've just written an article that was requested by the police unions in the United States on comparisons between the way they do things in the United States and the way police associations do them here in Canada. I've got copies

of that if you want. It will be going to press with the police labour unions next month in the States, throughout the whole of the US.

The Chair: I appreciate that.

Mr McLean: One short question, Mr Chair?

Mr Stockwell: Are we out of time?

The Chair: No, you've got about two and a half minutes left.

Mr Stockwell: I've got one question and then I'll pass it.

Let's talk specifically about some of the people on the police services board. I know Norm Gardner just left. He was obviously a person the police felt represented them, a little more so than your average—I say that from across the board.

Mr Lymer: Yes, because he is a typical example of somebody going on the police services board who wanted to get involved in the process as much as he possibly could. What you have with the part-time police services board members is that they are only there every second week, and that's about all they concentrate their efforts on.

Mr Stockwell: We had Susan Eng in here a little while ago. I think it's two or three years she's been on the board. She has not found time to get in a police car and go out and see what police are up against every day. When you say they don't have time or they're part-time, is this what you mean?

Mr Lymer: Yes. I mean they've got to get more involved and they've got to get in touch with the front-line officers out there. Even in the injunction that was handed down against us, the learned judge said that with the police officers out there on the street, their concerns have got to be looked at and their concerns and views have got to carry weight. I think what police services boards have to do is go around to the local police stations and have informal talks and discussions with the members in that unit so they can hear at first hand—rather than get it from the senior officers—from the front-line officers what the problems are out there on the street.

The Chair: Quick question, Mr McLean?

Mr McLean: My questions are always short, Mr Chairman. I wanted to briefly ask you with regard to the commission's report that we just heard before you, the report which indicated that the force is not doing what it feels is appropriate and that there is a lot of misgivings with regard to how the Metropolitan force operates. What would your comments be to the chairman of that report?

Mr Lymer: What would my comments be, having read the report?

Mr McLean: Right.

Mr Lymer: There are some good recommendations in the report. I think the Metropolitan Toronto Police was unfairly criticized in a lot of the aspects of that report. I think the chief was unfairly criticized. I know they had a problem with a police officer who, had they gone the normal route, would probably still be on the Metropolitan Toronto Police Force today. As the president, I would be

duty-bound to give him legal counsel to defend him if attempts were made to fire him off the force. I'm not in agreement with the way it was done, but it was an end that in my opinion at the time, justified the means.

Mr Bradley: At one time, sir, the members of your association and other similar associations across the province had a feeling that governments were behind them and were supportive of them. As we're in February 1993, what is the viewpoint of members of your association now as it relates to whether they feel governments support them or make it more difficult for them?

1540

Mr Lymer: I think that as a result of the job action and the public support we received, the government has realized that it's got to start looking more attentively towards the police forces themselves, the rank-and-file police officers, and understanding the problems.

The Premier has made the commitment to us that he wants meaningful dialogue. He will go back to the consultative committees that had been put in place by previous governments when they're making any decisions as to how policing will change in the future, their equipment and their responsibilities and everything that is entailed in policing.

Mr Bradley: There is a good deal of feeling out there that people are now concerned about the issue of crime, much more concerned than probably is reflected in the activities of governments at all levels. One need only attend a forum of impartial people, the general public, to determine that those concerns are out there. Is there a feeling among your membership that all the restrictions that are being contemplated or placed on your membership are having a detrimental effect on your ability to combat the crime about which so many people are concerned?

Mr Lymer: Yes, it is. Because of the criticisms that had been handed down against us continuously, there was, I guess, a feeling among police officers that if you really get involved in a high-speed chase, a gun call or whatever, you're going to end up being the accused yourself and face heavy legal bills and there may have been a reluctance to get involved.

It is not actually happening, but people are beginning to talk that way or were beginning to talk that way, were beginning to say, "Why should I put myself at risk getting involved when all these different agencies that are going to investigate me and second-guess me are going to end up charging me as the culprit rather than the accused, the criminal they were dealing with in the first place?"

Mr Bradley: That leads me to the use-of-force proposals from the government, those which are being implemented in 1993. There were some meetings and some subsequent meetings with the Solicitor General and I think eventually the Premier.

Mr Lymer: Yes.

Mr Bradley: What is the view of your association today about the latest regulations and proposals of the Ontario government as they relate to the use of force in our province?

Mr Lymer: We would have preferred that the unholstering regulation be rescinded, but the government said it was not going to rescind that. But it was willing to meet with us and the Solicitor General did meet with us. He realized our concerns and has now built a kind of wall around that legislation so that when police officers file their reports on unholstering, it will not come back to haunt them later on. The government said all it needed them for was training purposes, to get the total picture of what was happening all across the province, where weapons were being used against police officers, where they needed to use weapons themselves. That's all they wanted them for—study purposes.

We believe the vast majority of those concerns have now been met. We have seen the form. There are some minor changes that may be needed to that form and there is some ongoing dialogue between ourselves and members of the Metropolitan Toronto Police Force on the use-of-force forms and how they will be implemented.

Because of the legislation date, we have not been able to get it under way by February 1. The forms are still not being used. There was a target date of February 8. That might be put over until maybe the end of February before these forms are actually in use by members of our force.

Mr Bradley: Another area of controversy is one involving the special investigations unit of the province of Ontario, involved particularly in police shootings that have taken place. Some officers in the province have suggested that their rights under the Charter of Rights, which so many people defend on so many occasions in this province, are adversely affected by the special investigations unit's investigations.

What is the opinion of your association as it relates to the invoking of the Charter of Rights by individual police officers to avoid answering questions and cooperating with investigation by the special investigations unit?

Mr Lymer: Given the mandate of the special investigations unit, that it is responsible for investigating police officers to determine whether or not a criminal offence has been made when any citizen has been injured seriously or dies as a result of a police incident, it is our view that if he is the subject officer, he should be entitled to counsel. We make sure that he has counsel, and his counsel will make the determination as to whether he will or will not give a statement.

We believe in the public's right to know what actually happened and we believe in the chief's right to know what actually happened so he can report it to the police services board, but not to the extent that a police officer will be forced to incriminate himself, if indeed that is what is going to take place.

Once we have, I guess, some credibility with the SIU and we have confidence in the unit, then we will be more open in giving statements. But what has happened with the SIU is that we have had police officers giving full, total disclosure because they acted on a split-second decision. They acted exactly the way they were trained to do, trained by this force to react, and having given that full disclosure, have even subjected themselves to further cross-examination

two weeks later, three weeks later, and have still been the subject of a charge, charges which in our view should never have been laid and which have been laid for political expediency. The courts have verified that by dismissing those charges. It's been costly to the force, costly to the community for the trial and very traumatic for the officers and their families.

Now if they can look at the total picture of what a police officer has to do, at his duties and responsibilities, at the training he does and at the fact that he had no criminal intent of committing a criminal offence and was acting in that split-second decision, and if they can come to rational, logical conclusions, like they do in the United States, and timely conclusions, then maybe the SIU will have gained its credibility.

They are under-strength. They do not have experienced investigators. The only solution at the present time, which I believe the government has admitted, is that they are going to have to hire in some way or second way police officers who have had 10 or 15 years' experience in these investigations and have them have one of the SIU civilian-type people under their wing for about five years before those civilians will be able to make a proper assessment, from a police perspective, whether or not a police officer has actually committed a criminal offence and whether or not he should be charged in a court of law.

Mr Bradley: You made mention of your concern about the amount of political activity that police associations in the United States are forced to engage in because of the setup in the United States and the amount of political interference.

Mr Lymer: Yes.

Mr Bradley: Does your association have a view on the proposals of the provincial government for the allowance of police activity, the ones that Mr Rae has put forward—I believe they're still in the proposal stage—that would allow police to participate politically? Do you see any dangers in this or do you see some real potential in that proposal?

Mr Lymer: No, the legislation as proposed by the government would be to allow a police officer, if he wanted to, to run as a politician himself, and we have no problems with those guidelines that are there. He would have to seek a secondment from the force. The chief would have to give his permission. If he runs and is successful, and he's successful for two terms, provincially or municipally, it is at that particular point in time he has to make up his mind whether or not he wants to continue as a police officer.

He has to be seconded from the force to run politically, and once elected, he can no longer be on that force. Then after six years he has to make up his mind whether he wants to continue to run as a politician or whether he wants to come back to the police force.

Mr Bradley: In the past, members of the police force have been either reluctant to or not able to participate, publicly at least, in partisan political activity.

Mr Lymer: Yes.

Mr Bradley: It appears from these proposals that it will be permitted at this time. Again, do you see a problem arising from members of the force openly backing one political party or another, or one individual candidate or another, which they would be doing obviously off duty, but in terms of their ability to carry out their responsibilities impartially as a result of that?

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Mr Lymer: No. I do not see it as a problem that enabling a police officer to be involved politically would affect his duties as a police officer. We do not want to get involved in the political process but we might have to because of necessity. If government—

The Chair: I'm sorry, Mr Lymer. I think that's a good point to end it in any event, but we have gone over our time limit here.

Mr Lymer: Okay. I have—

The Chair: Sorry to interrupt you. Sorry to cut you off. If you'd like, the clerk can get that information from you, the report you were referring to, the article, for circulation to the members. We thank you again for taking the time. We may be in contact with you in the future with respect to this matter.

Mr Lymer: Thank you.

The Chair: We'll give Mr Lymer a few moments to collect his materials.

Our next witness is Gordon Chong. Dr Chong, welcome to the committee.

Just for the information of the members, with respect to Dr Chong's appearance before the committee, when we were looking at witnesses to appear with respect to this matter, the subcommittee had requested the appearance of Mr Ben Eng. Mr Eng was looked to in terms of his appearance to talk about the question of compilation of crime stats based on race and really to give an opinion that might be somewhat different from that expressed by the chair of the Metropolitan Toronto Police Services Board, Ms Eng. So we wanted to hear from the other side of the story as well.

Our clerk and researcher were unable to contact Mr Eng. I gather he's here today, but we were aware that Dr Chong had also made a number of appearances with respect to expressing his views related to this issue, and that's essentially why he was asked to appear here today to talk about the question of compilation of crime statistics based on race. He also has views on other matters related to policing, I gather, perhaps tying into his time with the city of Toronto council.

Do you have any brief comments you'd like to make, Dr Chong?

Dr Gordon Chong: Yes, I do. I'll quickly go over this handout I've given. I'd first like to tell the Chair and members of committee that my views are personal. They do not represent any committee or organization that I belong to, which should allay the fears of some people down at the city of Toronto.

I've listened to some of the comments of the previous speakers. When I was originally asked to speak before the

committee I was not given any guidelines. I looked at the mandate and the mandate clearly deals with the structure and the organization of the Metro services board, so I'd like to quickly go through this.

My feeling is that the services board, as it's currently constituted, does not adequately reflect the concerns of the Metropolitan citizen because—

The Chair: Dr Chong, may I briefly interrupt you and say, as you've been witnessing this, we only have half an hour, if you can be very brief so we'll have some time for questions and answers.

Dr Chong: Sure. That's right.

As you can see from the handout, I've basically reviewed the previous literature, the previous commission reports that have been written, and clearly the consensus has been that the Metropolitan Toronto Police Services Board would be better served and the citizens of Metropolitan Toronto would be better served if in fact Metropolitan Toronto council either appointed the majority of members or perhaps could be the members of the services board itself. I think there's ample justification, as related in the handout, because currently the province is rationalizing its service both in terms of general welfare assistance funding and the disentanglement process.

One of the illustrations of the current services board, I believe—lack of accountability and lack in reflecting the true wishes of the citizens of Metropolitan Toronto—relates precisely to its position on the compilation of statistics based on race, ethnic origin etc as part of a comprehensive compilation.

I would respectfully suggest that the composition of the board would be better served and the citizens would be better served if the majority of appointments were either from Metro council or were Metro councillors themselves.

With those brief remarks—and you can read the handout—I'd be happy to answer questions from here on.

The Chair: Thank you, sir. Mr Grandmaître.

Mr Grandmaître: Let's talk about the composition of not only Metro but any police services board. Do you think that the police association should have a membership on the board?

Dr Chong: The police association?

Mr Grandmaître: Yes, a representative.

Dr Chong: No.

Mr Grandmaître: Why?

Dr Chong: I believe there has to be civilian control of the police services—policing—in Toronto, or in Ontario for that matter. I think the police officers themselves, through their association, can make representation to the board, but the board itself represents the people. In my respectful opinion, that should be people who are accountable and who are elected or are appointed by elected people.

Mr Grandmaître: The police chief, who is part of the administration, sits on the police services board, and we've just heard—

Dr Chong: I'm sorry. I don't believe that is the case.

Mr Grandmaître: Yes, he does. The chief—

Interjection.

Mr Grandmaître: Isn't he ex officio?

Dr Chong: I believe there are seven members of the board. Three are Metro councillors and four are appointed by the province.

Mr Grandmaître: But he's not ex officio? I thought he was ex officio, because on some police services boards—

Mr Stockwell: Maybe some, but not in Metro.

Mr Grandmaître: Not in Metro.

We're talking about consultation and better communications between the police association and the board and the government of Ontario. I think we should improve the composition of the board in order to improve those communications, because the only time we hear from or about the police association is because there's a confrontation between the board and the police association. I don't think it's fair. You have listened to the president of the police association saying that some people on the board didn't seem to have any interest in policing; they have some kind of a hidden agenda. Don't you think that if we had a better composition, including a member of the association on the police services board, we could or you could resolve most of your problems?

Dr Chong: I don't personally believe—and I quite frankly have not thought about having a member of the force or a member of the association on the board. It just never crossed my mind. Off the top of my head, I don't think it's a good idea.

I think that if one is looking to accountability, the most accountable people are elected. The second most accountable people are those who are appointed by elected officials. It's my respectful opinion that the Metropolitan Toronto police and Metropolitan Toronto would be better served by having either all or the majority of the members of the services board appointed by Metro. After all, he who pays the piper should call the tune and, in this case, Metropolitan Toronto council clearly pays the majority of the policing costs in Metropolitan Toronto.

Mr Grandmaître: Don't you think that the recommendations of Mr Cooke will bring about or resolve most of your problems now?

Dr Chong: I haven't had an opportunity to study all the recommendations put forward by Mr Cooke. I do have a life other than this. But I firmly believe—they did it with the Toronto Transit Commission a number of years ago, and what they felt was that direct accountability was best served through elected people. Perhaps that's the route to go. Maybe the police services board, as has been the history in Ontario and Canada—they were all elected people. They were either a committee of council or they were in fact a board composed of members appointed through local or regional councils.

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Mr Grandmaître: So you think by adding more councillors, more elected people, directly elected people—

Dr Chong: I think there are several ways you can handle it. If you want direct accountability, they should be

elected people. If you're going to have indirect accountability, then perhaps the elected people should appoint them. Irrespective of the route you go, I think that Metropolitan Toronto should have the majority of either elected people or appointees on the services board.

Mr Grandmaître: Let's agree on that one—

Dr Chong: Sure, okay.

Mr Grandmaître: —for a second.

Mr Stockwell: Why didn't you agree with him when you were in government?

Mr Grandmaître: I said for a second.

Coming back to the police association, we hear more and more that this government is trying to consult with people and to better communicate their intentions and to alleviate most of the problems between the police association, police services boards and—

Mr Bradley: Are you saying this is happening or it's alleged that this is happening?

Mr Grandmaître: Well, I use the word "allege," and the Solicitor General is trying to improve that relationship or lack of. I realize that municipalities are paying the shot, 85%, sometimes 90% of the police budget, but don't you think—maybe I'm repeating myself—but you're saying that no, the police association shouldn't have any representation.

Dr Chong: That's like—no, I don't agree that—maybe on reflection I'll change my mind.

Mr Grandmaître: How can you create a partnership when you leave out maybe the most important player, and that's the police officer?

Dr Chong: Well, I think there are two partnerships. There's the relationship between the police services board and its force and there's the relationship between—

Mr Grandmaître: Yes, but right now it's not happening.

Dr Chong: No, but there's also a relationship between the police and the community it serves, and I don't believe that the police association—I don't think it would make any difference in terms of how it serves the community by having them on the police services board. I think that is a civilian function, and I happen to believe that should be a civilian function, and I think we, the community, are best served by having either directly elected politicians or civilians, not a member of the force on the board.

The Vice-Chair (Mr Allan McLean): Thank you. We'll move on to Mr Stockwell.

Mr Stockwell: I read your brief; I agree fundamentally with what you just outlined. I think I've been saying that for the last eight or nine years through all parties in government. It seems crazy to me that you ask the municipality to pay 90% of the policing costs and tell it that it only gets 40% of the representation, but that's the way the province does business.

One quick point. I wouldn't make the argument that Metro councillors should all be appointed because the TTC works that way, considering the way the TTC's been going the last three or four years—

Dr Chong: Yes, but that was after I was off it.

Mr Stockwell: Of course, but it's since they've been appointing all the councillors. What about this report from Andrews, the auditor? We talk about the hiring of visible minorities in the police force. God, that recommendation, they've been using that recommendation for 10 years: Hire more visible minorities. It seems to me that it hasn't worked. Either they don't want the jobs or they're just not doing a good job of hiring. What are your thoughts?

Dr Chong: I don't think it's for lack of trying. Ten years ago when I was on Metro council and the city of Toronto council, we suggested it then and I think there was genuine feeling on the part of the board and the senior officers that they would like to have more minorities on the force. The problem is—and I can only address this from the Chinese community's point of view—what do you do, drag them off the street? If they choose not to be police officers, with a few exceptions, and former Sergeant Ben Eng is here and perhaps he could answer this better—but employment equity does not necessarily work if you want to move towards a demographic mirror of society. In other words, if you want the police force to demographically mirror society, I don't think it's right but I also don't think you're going to succeed because it doesn't take into consideration the desires and ability of individuals with respect to the police force.

What happens if only 10% of the community is Chinese and you think there should be 10% on the police force, but it turns out that 30% of the people would love to be police? Does that mean you can't have them any more? I have some problems with the current implementation and philosophy of employment equity.

Mr Stockwell: What about collecting the crime statistics by race?

Dr Chong: I think it's been almost beaten to death. To me, the rationale for collecting information is self-evident. What you're going to do is gather more information, and by gathering more information you're going to understand a problem better. I think that the hypersensitivity and the opposition to it is based on the fact that people may be stereotyped. Let me assure you, people are being stereotyped now, because in the absence of information, that's how prejudice thrives. If you gather information as part of a comprehensive analysis, then you can put to rest a lot of the prejudice and stereotyping that goes on. I think it's unfortunate that people have adopted the stance they have.

And one further thing: There's overwhelming support for gathering statistics. We have academic support; criminologists like Dr Anthony Doob and Dr John Hagan support it. In Canada, we've been gathering statistics on natives for 30 or 40 years. Why should we gather statistics on natives and nobody else? The previous Lieutenant Governor of Ontario, Lincoln Alexander, supports it. Dr Wilson Head, most recently at a conference with me, has finally reflected on it, and he feels that this should be done. The Toronto Star ran a poll last fall of 1,300-odd telephone calls, and 96% of the public support it.

So we have academic support, public support and there is now political support: Toronto city council passed a motion by a vote of 15 to 2 suggesting and urging other

municipalities, the province and the police services board as well to reconsider their policy. Toronto city council is considered one of the most progressive municipal governments in Ontario. All the factors are in place.

And besides that, with regard to hate literature, the police services board is now going to gather statistics based on race in order to fight hate crime. Allan Andrews's report suggests we should gather statistics based on race, although he says we shouldn't divulge them. I have a problem with that. If public money is spent to do something, I don't think we should be keeping it hidden.

There's all kinds of support out there for it. The intransigence of the four provincial appointees at the Metro services board, who are saying, "No, we can't do that for fear of stereotyping"—I don't think they really have a leg to stand on. It's pure stubbornness.

Mr Stockwell: Last, and then I'll pass to Mr McLean, what about the board itself? Do you think we have a problem with the board or the people on the board?

Dr Chong: Even if there were different people there, I would still think that the majority should be appointed by Metro.

Mr Stockwell: But come on, Metro could appoint the same people the province is appointing.

Dr Chong: That's true, but what I'm saying is that then Metro would be responsible. I think the majority of responsibility should be that of Metro Toronto. Having said that about the structure, there's no question that the current chair, when appointed initially, clearly alienated some of the people who could have been her greatest allies. I think that has made for a period of time in the relationship between the services board and the police force itself that's been not only interesting but has had perhaps a little more friction than there needed to be. Clearly, it's the structure and the individuals that one chooses to appoint.

Mr McLean: So, bottom line: Who is holding up the release of what statistics there are, or who is not allowing the procedure to take place to gather those statistics?

Dr Chong: It's the Metropolitan Toronto Police Services Board that is still stubbornly clinging to the notion that by collecting them you're going to stereotype people. I belong to a visible minority. In my community, although there is divided opinion on it, I would say the majority support the gathering of statistics, as was evidenced by the support that Sergeant Ben Eng had when he, as an expression of the frustration in the Chinese community, released statistics. He may have been in contravention of their standing order at the time. I say "may" because, in my mind, there's a little doubt.

Mr McLean: So is it the—

Dr Chong: It's the police services board that's holding it up.

Mr McLean: But it's led by a chair. Is that her opinion, and her opinion reflects on the rest of the board?

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Dr Chong: That, I can't tell. I'm not privy to her thoughts or conversation with the other members of the

board. But it's clearly the feeling, at least as expressed in their voting pattern, of the four provincial appointees, which I find ironic, because now they want to collect statistics based on race for hate crime. Allan Andrews's report suggests it may be useful in deployment of police officers: If you have all of a sudden an increase in crime in the Chinese community, maybe you'd like to have more than a handful of Chinese-speaking police officers. So clearly, there's a relationship between deployment and collecting the stats.

Mr Frankford: To follow up on the statistics, I think Mr Andrews said he felt that correlation of race was not particularly helpful in policing, but he said that sociologically it might be. It seems to me that in sociology, which relates to causes of crime but also the planning and deployment of resources, I can certainly see the merit. I ask, however, why just race? It would seem to me there are many variables that can be examined. One can look at sex, level of education, class, income, housing, place of residence, whatever. Why is this discussion purely about something called race—

Dr Chong: I don't know.

Mr Frankford: —which seems to be not really race in any real academic sense, but possibly even physical appearance, because how do we define Europeans by race, or is that a race?

Dr Chong: The discussion about race is not of my choosing. The discussion is simply because the police services board has refused to accept that race, although biologically arbitrary—and anthropologists will tell you that—is nevertheless of value, because criminologists and sociologists clearly think it is of value, and that's clearly documented. But we did not single out race. It was a comprehensive gathering of statistics: family arrangements, country of origin, ethnic origin, the length of domicile in the country, sex, gender. Because it's been documented that there is a correlation; there's not a cause and effect, but there is a correlation.

Mr Frankford: And a correlation with income, no doubt.

Dr Chong: That's right. I said socioeconomic status.

Mr Frankford: I would say that's much easier to determine; you can objectively find someone's income level. Race—

Dr Chong: Nobody is saying there is a cause and effect between race and crime. What they have said and what many people, including Dr Anthony Doob and Dr John Hagan, clearly have said is that race is a securely established correlate of crime.

Mr Frankford: But I think that Dr Doob, as an academic criminologist, would be wanting as many statistics as possible to add—

Dr Chong: That's what he said. That's what we're saying.

Mr Frankford: I doubt if race is the overwhelming correlate he's looking at.

Dr Chong: But nobody's saying that.

Mr Frankford: Okay. I think one should be looking at what statistics are available. We've got a research document here from legislative research, which puts down crime trends. It certainly shows something, but I'm sure if we had Dr Doob here, he would be analysing what this means. Some of it is real; some of it is around reporting practices, arrest policies, a great many things.

I guess I'm asking, do we really have enough information? I would agree with you about some information, but a need for very much broader range of information so that the board, society in general, politicians can really start to do some intelligent analysis.

Dr Chong: That's the whole point. There was another handout. It is a comprehensive analysis we're looking for. It just so happens they got stuck on race because of, in my opinion, the stubbornness of the current board in not recognizing that they were making a bigger issue of it than needed to be, and it's just gotten out of hand.

Mr Frankford: Maybe you should concentrate on something less inflammatory, like socioeconomic status.

Dr Chong: Well, the point is that we did not and I did not concentrate on race. Race happens to be a short form for describing all the statistics that are necessary. Any scientist would want to gather information, as any logical, intelligent person would.

Mr Marchese: Mr Chong, several questions, the first one on the issue of membership. It has been pointed out by a few people that the current structure is nothing new. It has been thus for a long time, although Mr Grandmaître speaks to it as if it's a new thing done by this government. Clearly, it hasn't been—

Mr Bradley: It used to be non-partisan.

Mr Marchese: Mr Bradley says it used to be non-partisan. In your view, if you were to give it to Metro council as the body to appoint people, do you believe that somehow those people would become neutral all of a sudden, that they would have no political agenda or any agenda somehow, that they would come tabula rasa and simply look at matters objectively and everything would go away and be good again? Do you somehow think that?

Dr Chong: No, and I never thought that. To say that you can depoliticize a police services board I think is naïve, and I don't think anybody really believes that, because politics is going to be exercised directly or indirectly one way or another.

My point is that because Metro council pays the shot and because we believe local government best addresses local issues, that is the rationale that I come from for suggesting that Metro council should have the greatest majority of representatives there. I don't think you can say that policing will never be politicized, because it clearly is. Life is politicized.

Mr Marchese: Of course. There are several points connected to the same question. These people who are appointed by elected people at the provincial level come from the community, but what you're saying, if I can interpret you correctly, is that those appointments clearly reflect a different politics.

Dr Chong: That's right. They reflect the provincial point of view.

Mr Marchese: And that's really the problem.

Dr Chong: Ever since Confederation, there has been a struggle between local and provincial authorities with respect to municipal policing. The province has always dominated. I'm suggesting that I don't believe a province, of any political stripe, should be dominant in local policing matters.

Mr Marchese: I'd like to pursue it, but I have several other questions. One of your other suggestions was that perhaps they would be all Metro politicians. Do you think the public would support that?

Dr Chong: I think the public can support anything, if you present it to them in the proper way. As a politician, you're aware of that. I think what it would do to have Metro politicians on there is that they are directly accountable, and if they're not doing what the public wants, they'll be gone.

Mr Marchese: Yes, but that way, they are clearly directly accountable to the Metro board, not necessarily to the public, and it may not represent the public, necessarily. So you have that problem.

Dr Chong: But that happens anyway. If you're striving to get the best possible accountability, I think the best possible accountability is to have the majority of Metro or Metro politicians.

Mr Marchese: I don't agree with that, Gordon, but let me pursue another point on the whole issue of statistics.

Mr Bradley: You will when you're in opposition again.

Mr Marchese: Let me pursue something, and correct me if I interpreted wrongly what you said. I think you said that if we collected statistics, somehow, in your view, it would help to erode stereotypical attitudes. Can you tell me how?

Dr Chong: Right now, for instance, every time you turn on the TV or open a newspaper, there's either a black or Asian face, so what happens is that people build up a stereotype and a prejudice, because in the absence of information, they think, "Oh, gee, all these criminals are black or Asian." But if you have statistics that clearly show—and I'm not just talking about racial statistics, but country of origin, ethnic origin, length of domicile, socioeconomic status—what they will do is say, for instance, that in the Asian community, they're not all criminals; only 2% are. It allows you to figure out how to deploy not only policing services but social services, because some of these people who are coming in from mainland China or Vietnam have the same socioeconomic background as some of the poor blacks in the community as well. It puts a number to it, puts the speculation aside. So in the absence of information—

Mr Marchese: Gordon, let me ask you, if we discover that we have a high percentage of aboriginal people in jails—we know that; we don't have statistical evidence, we don't have the numbers, but we know—and we have lots of blacks committing certain crimes, let's say, once we've collected all that and people have access to those

figures, how do we guard against how those figures are used against those communities?

Dr Chong: You can't.

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Mr Marchese: So what do we do about that?

Dr Chong: You debate it. You have it. Well, let's face it. You have information and if somebody is mistaken about it, you say, "You're wrong about it and here is the evidence." That's like saying to me: "I have a scalpel in my hand at the office. I can carve your face up or I can do some surgery." It's a tool. It's a vehicle.

Mr Marchese: But Gordon, it's a real problem because some of these things are very visceral; they're not rational, and so for you to suggest that we can discuss these things as if somehow through discussion we'll simply rid ourselves of problems of racism or stereotypical attitudes, it won't happen and I think you know that.

The Chair: I'm afraid you're not going to have time to respond to that, Dr Chong. For clarification, one point was raised about statistics related to aboriginals and the researcher indicates that those statistics are compiled by the federal government. Dr Chong, thank you very much for appearing here. I want to make note of the fact that the individual our clerk was searching desperately for, Ben Eng, former sergeant with the Metro forces, is here. Somehow, mysteriously, he showed up without our staff being able to contact him, but you can leave your phone number with our researcher in case we'd like to contact you in the future. Thanks very much.

Our final witness today is from the Metropolitan Toronto Coalition for Police Reform, Mark Wainberg. Mr Wainberg, welcome to the committee.

Mr Mark Wainberg: Thank you. I have a bundle of material that I'll be referring to. Shall I pass them out or hand them to somebody?

The Chair: The clerk is not here. We'll ask the researcher to grab them. They can be circulated. Would you like to say something briefly before we get into questions and answers?

Mr Wainberg: Yes, please. I was told to speak for 15 minutes, and 15 minutes of questions. I've tried to cut it down as much as I can.

The Chair: All right, if that's what you were told. We'd prefer it to be somewhat briefer, but if that's what you were told, I'm not going to go—

Mr Wainberg: I'll talk fast. I'm a lawyer from Toronto and I'm a member of the Metropolitan Toronto Coalition for Police Reform. This organization was formed in May 1991. It includes a broad segment of community groups and individuals, including the Labour Council of Metropolitan Toronto, the Chinese Canadian National Council, Quaker Committee on Jails and Justice, Black Action Defence Committee, Vietnamese Association and the Law Union of Ontario, of which I'm also a member.

The objective of our organization is to achieve policing which is less militaristic and more responsive to community needs. I appreciate the opportunity of being able to address this committee.

We had our inaugural meeting in May 1991, just around the time that Susan Eng became chair of the Metropolitan Toronto Police Services Board. At that time, I was what I would consider a friend of Susan Eng. I met with her and I was a part-time adviser. She didn't usually take my advice, but I did meet with her on a regular basis. So my criticisms of her today are not out of any animosity for her.

At that time, there was a tremendous feeling of optimism among the members of our organization. We thought that the community would finally control the police services board and that our concerns would be listened to and acted upon.

After Susan Eng took over as chair in May 1991, there was a brief honeymoon period when the new board made some positive changes. They hired a couple of independent researchers, made a concerted effort to set their own agendas for their meetings—the police had previously set the agendas for board meetings, pretty well—and the new board actually invited and encouraged the deputations from members of the public.

I personally made five deputations to the Susan Eng board, and there have been hundreds of deputations from members of the public since May 1991 when Susan Eng took over. Deputants have come from all over the political spectrum, from Dudley Laws to myself, Gordon Chong and people from the other end of the spectrum as well. The only thing that all of the deputants have in common is that none of their deputations have resulted in any changes in board policy or procedure. I echo Gordon Chong's comments in that respect. He said the board has not been responsive to the community. They have definitely not been responsive to the community.

Mr Marchese: They've been attacked from both sides.

Mr Wainberg: You bet. The batting average of the community at police services board meetings is zero. This board was supposed to be the community's board and we're wondering what happened. What happened is that Susan Eng lost her nerve. The only thing that matters to her at this point is avoiding bad publicity. She wants to be liked by the police and she especially wants to be liked by Chief McCormack. You may recall her comments to you, to this committee, on December 2. I obtained a copy of the Hansard. She wants to make nice with the chief and unfortunately it's undermining her ability to be an independent voice for the community.

The police services board, once a hotbed of conflicting opinions, has become almost monolithic. Since the day she took over as chair, Susan Eng has never lost a vote. Except for the occasional dissent by Norm Gardner and the occasional abstention by Laura Rowe, almost all the board's votes have been unanimous, and Susan Eng mentioned to you that she was quite proud of that. I consider it to be the hallmark of mediocrity.

Mr McLean: Mr Chair, he can take all the time he wants so we can get this on the record. I think it's good information for us.

Mr Wainberg: Susan Eng will not bring forward a proposal unless she is certain it will win. She won't do anything without the support of Alan Tonks, Metro chairman, and Alan Tonks won't do anything without the support of the chief, so essentially the chief is running the board, which is pretty well what's been happening for the previous 15 years.

The Police Services Act says the board is supposed to establish policies for the effective management of the police force and the chief is required to carry out those policies. In reality, the chief sets the policies and the board, certainly recently, has been rubber-stamping those policies. I doubt there's anyone in this room who could name a single significant policing policy that has been initiated by the Susan Eng police services board.

Mr Stockwell: Rice pudding in the cafeteria.

Mr Wainberg: The policies of the Susan Eng board have not resulted in any improvement in police discipline in the city; if anything, there has been a deterioration in police discipline. In 1991 the number of public complaints against Metropolitan Toronto police officers soared to record levels: over 1,000 complaints. In 1992 we saw the illegal job action by Art Lymer and the police association, and neither the chief nor the board had the intestinal fortitude to take the strong disciplinary action that would have been required to stop that job action without the intervention of the court.

The police services board is now fulfilling the same role it has performed for the past 15 years, and that is public relations. The Metro police have an excellent public relations operation and the board is not needed to perform that function.

I've provided you with a bundle of materials. It's a series of newspaper articles and excerpts from Hansard regarding Susan Eng's presentation to you on December 2. There's a very consistent pattern in what Susan has been doing and what she's been saying over the past five or six months. Whatever the police want, they get. There's no longer even any pretence of independence by Susan Eng or the rest of the board. I shouldn't just single out Susan Eng. The other board appointees have been going along with her and I think they all share the blame for what has been happening.

Just to review the bundle briefly, from Susan's presentation to the committee, the first item in the bundle is the response to a question from Tony Rizzo at the December 2 meeting. Mr Rizzo said, "It seems to me that when anyone talks about any police force there is a tendency to emphasize everything that's positive and gloss over the undeniable problems that still exist. Once in a while it makes the front pages in our printed press. My question to you is, what are the real problems with our police force and what can be done about them?" You can read her response. She danced around and she put a gloss on the problems and never really answered the question. I think we deserve better.

The second excerpt in the bundle is also from Susan Eng's presentation to you, and it's regarding the use-of-force reports. She indicated that her use-of-force review

committee was recommending that the use-of-force reports be kept for six months, and at that time she was advocating that position.

The government, when it passed the use-of-force regulations, gave the local boards the option to keep the reports for one month or for anywhere up to two years. The police association wanted the reports destroyed after one month, and that's what it got. Susan Eng and the rest of the board disregarded the advice of their own use-of-force review committee and decided to give the police association what it wanted. It was clearly contrary to the public interest and it's contrary to everything that Susan has always advocated with respect to use-of-force reports.

I could take you through the whole bundle. The Toronto Star articles are fairly self-explanatory. There's a pattern here. Susan is giving in to the police and she's not exercising the independence we had all hoped for.

1630

Mr Marchese: Mark, you should leave some time for questions. It would probably be better.

Mr Wainberg: Sure. This is my own proposal as a result of conversations I've had with members of our organization. The police services board in Metro is not fulfilling any function now at all. It's my personal recommendation that it be abolished and that there be a single policing bureaucracy. The functions of the special investigations unit, the police complaints commissioner, the internal affairs department and the police services board should be combined into one.

There's so much duplication and so much confusion and overlapping jurisdiction and so on. It's costing a tremendous amount of money. Nobody understands where to go for what type of complaint. Considering that the police services board is not fulfilling any function, I think it would be a cost saving and a great improvement in efficiency for this whole set of bureaucracies to be combined. Those are my submissions.

The Chair: Thanks, Mr Wainberg. We've got about six minutes for each caucus, and we'll look to Mr Marchese to begin.

Mr Marchese: Mark, you answered one of my questions, I believe, and that was on the issue of the composition of the board. You've heard a number of deputants speak clearly against the way we're doing it now, saying that the four provincial representatives are not representing the interests of some and that we should either go to Metro council to appoint them or to Metro councillors on the board. Do you have a response to that, or is your response simply to abolish the board because it's of no use?

Mr Wainberg: It makes no difference at all. Susan Eng and Alan Tonks, who are the leaders of their respective factions, vote the same way on everything. It makes no difference.

Mr Marchese: I think what we're hearing is that the people who are appointed by the province vote differently than the rest, and that that's what's caused some of the problems on the police board.

Mr Wainberg: But they don't. Susan Eng said they don't. Dennis Flynn said they don't. I've been there; they don't. They vote as a unit. They're unanimous on almost everything, and the problem is that everything gets so watered down that it's acceptable to both the left and the right.

Mr Marchese: All right. On the issue of statistics, you heard a number of people talk about the need to keep statistics on who commits the crimes. What is your opinion on that? Do you have any concerns about that?

Mr Wainberg: Our organization believes that the present policy should be continued. I don't necessarily agree with my organization on that.

Mr Marchese: What's your belief, separate from the organization?

Mr Wainberg: I would like to know which ethnic and racial groups are most detrimentally affected by policing. In order to do that, you need to know the race and so on of the people who are being arrested. I haven't seen the new use-of-force reports, but the old ones have race on there. The police do collect the data. Ben Eng was compiling it, without authorization from the chief, but the data are there already. I think it would be useful, in combination with the use-of-force report, to see whether the police draw their guns more often with blacks than with whites. I think that kind of data would be really useful.

Mr Marchese: You've probably read this report, obviously, by Mr Andrews, have you?

Mr Wainberg: I haven't read the report, but I attended a seminar which was led by Mr Andrews, and he touched on that briefly.

Mr Marchese: Any response in terms of what you think this report will accomplish? In the right direction? Like many other reports? Not in the right direction?

Mr Wainberg: With this police services board? I'm extremely pessimistic that they'll do anything that'll change the status quo.

Mr Marchese: So what do you think the Metro PSB should do to improve the accountability of its police officers?

Mr Wainberg: Susan Eng doesn't want to get her hands dirty when it comes to disciplinary matters. She's developed this philosophy of institutional responsibility. She hasn't articulated this quite this way, but she doesn't believe that individual officers should be punished. She has repeatedly praised the chief and told him he's doing a great job, notwithstanding the findings of the Junger inquiry. It's obvious that she has no intention whatsoever of disciplining him for actions which I would consider illegal, that he either authorized or conducted and which came out in the Junger inquiry.

There are a lot of things that are done in other jurisdictions regarding discipline. In Kansas City there's special retraining. I have an article about this from *Now* magazine. They have a special program to retrain officers who have a lot of complaints against them. Apparently, the program is quite successful.

It's important to identify who the officers are who are screwing up on a regular basis, and by the policy that the

Susan Eng board has adopted with respect to use-of-force reports, she's basically shut herself off from the very information she needs in order to find out who the problem officers are. She herself admits that, actually, in one of these articles. This was the December 18 article:

"Board chairperson Susan Eng conceded the policy could make it difficult to identify an officer repeatedly misusing a weapon, baton or physical force.

"We had that ability before; we won't now," she said. 'And to that extent, yes, I think we are further behind.'"

Sure, we're further behind, but it doesn't bother her. She still adopted that one-month destruction policy.

The Chair: Mr Stockwell, six minutes.

Mr Stockwell: You're not related at all to the group Citizens' Independent Review of Police Activities?

Mr Wainberg: I was a member of CIRPA.

Mr Stockwell: Is it still around?

Mr Wainberg: No.

Mr Stockwell: Did they disband and then start this one?

Mr Wainberg: It's not the same people. I happened to be in CIRPA and I happen to be in this group, but there were about four years when neither CIRPA was active nor was our organization.

Mr Stockwell: In the beginning you said "representing the community." I guess there's a difference between what you consider the community and what I consider the community. Do you ever think that may be the case, that maybe you're speaking for a minority?

Mr Wainberg: That's very possible, but I think the rights of minorities are very important, and I think the police force should be very solicitous of the rights of minorities.

Mr Stockwell: I'm not suggesting they're not, but to adopt policies that the majority don't really want to see, policies that people don't accept—I'm not even certain which initiatives and so on you're speaking about; you didn't mention them. But you're very disenchanted. Maybe, the thought is, you're disenchanted because most people probably don't agree with you.

Mr Wainberg: Most people don't give a damn about policing. The only contact most people have with police is the odd parking ticket or speeding ticket. As long as the police don't bother them, that's fine with them.

Mr Stockwell: Maybe so, but that's really not the question. The question was, maybe most people don't agree with what you think the police or the police services board should be doing. Most people disagree with you. Has that ever crossed your mind?

Mr Wainberg: Yes, it has. That doesn't bother me.

Mr Stockwell: I'm not suggesting it should, but the police services board is in fact carrying out and doing its job, at least to a degree—I'm not certain I agree with everything you say about Susan Eng—because it's performing a duty which it thinks needs to be done. They think that basically they have the support of the majority of the citizens of Metropolitan Toronto.

Mr Wainberg: But the board isn't doing anything.

Mr Stockwell: That's your opinion. Maybe there are a tremendous number of people who think they're doing a wonderful job or they're doing an average job.

Mr Wainberg: What are they doing? Name a single important policy they've initiated.

Mr Bradley: No. We ask the questions.

Mr Stockwell: I'm not disagreeing with you on a whole bunch of things you say, particularly what you were saying with respect to the Junger affair. I think that was unbelievable, quite frankly. Whether you're a right-winger or a left-winger or a liberal, it matters not in anyone's mind. It just was unbelievable that nobody took the fall for that, nobody anywhere.

Having said that, I'm not a big fan of Susan Eng either, but I would imagine it's for a whole bunch of different reasons than you. I guess the question is, do you think it's the services board that needs to be fixed, or is it the people on the services board? I've asked every single person who has come before us today that question, and they give, generally, a pretty mealy-mouthed answer.

1640

Mr Wainberg: I'll give you a real specific answer.

Mr Stockwell: You're pretty clear. You think Susan Eng's doing a lousy job.

Mr Wainberg: She's doing a lousy job.

Mr Stockwell: What about the board itself?

Mr Wainberg: We've had a Tory board; we've had a Liberal board; we've had an NDP board. The track record of each of those boards was virtually identical. None of the three parties has succeeded in putting in people who have done a decent job, and I think it's time to look at whether we need a board at all.

Mr Stockwell: Who would make the appointments to this new structure you have?

Mr Wainberg: The province.

Mr Stockwell: Just the province. But they've been appointing them for 50 years, and you've got the crappy, lousy board you were just complaining about. How's that going to solve anything? So we have one superboard appointed by the province that, instead of making little mistakes, makes big mistakes.

Mr Wainberg: The personalities are really important. There are some people in the policing hierarchy who have credibility with the community. Clare Lewis is one; Howard Morton is another. There is a handful of people who are really good. If they could be on this body, if you could really handpick—they happen to be lawyers. There were some comments about lawyers. I happen to think you need lawyers for this job.

Mr Stockwell: Next question. Surely to goodness—

Mr Marchese: I think we need lawyers, maybe a few teachers.

Mr Stockwell: Lawyers and teachers.

The Chair: You have one minute.

Mr Stockwell: One minute. I'm trying to get it in, if this bantering would stop between the government and the official opposition.

You've got now a board of six or seven people hand-picked by the provincial government. Do you think maybe the problem lies—

Mr Wainberg: Only four are handpicked. Just a four-person board. Now four are picked by the province.

Mr Marchese: Yes, I know. A four-person board that you're structuring now. I'm asking about—

Mr Wainberg: No. It's responsible for all kinds of things: It would have to be a fairly large board, with different divisions. I haven't thought out all the details of it.

Mr Stockwell: I'd like to know, because I don't think this board's working too well either, and I'm not certain whether it's the board or whether it's the players. It seems to me we didn't have this much trouble 10 years ago, but I don't think it's the same city it was 10 years ago or maybe 20 years ago.

Mr Wainberg: Phil Givens? Listen, CIRPA was active then. I went in front of that Phil Givens board. They were awful, and the June Rowlands board was awful and the Susan Eng board is awful.

Mr Stockwell: But the truth be known, you're on the outskirts. You're on the fringe when it comes to what the people of Metropolitan Toronto want. Believe it or not, you're on the fringe.

Mr Wainberg: Excuse me. I'm not on the fringe. I've been an NDPer all my life. I'm not a left-wing NDPer; I'm not a right-wing NDPer. I'm just middle of the road.

The Chair: I'm going to have to jump in at that point. Mr Bradley.

Mr Bradley: The organization you represent is entitled the Metropolitan Toronto Coalition for Police Reform—

Mr Wainberg: Metro Coalition for Police Reform. It's wrong on your agenda.

Mr Bradley: Who do you represent?

Mr Wainberg: I mentioned some of the groups: the Metro labour council, Chinese Canadian National Council, Quaker Committee on Jails and Justice, the Black Action Defence Committee, the Vietnamese Association, the Law Union of Ontario. There are several other organizations and several individuals.

Mr Bradley: You represent those organizations. Do you represent, necessarily, the people those organizations purport to represent? In other words, you say the Vietnamese Association: Which Vietnamese do you supposedly speak for through your organization? It sounds as though somehow all the Vietnamese are on your side and all these people are here. That's the impression that was given out.

Mr Wainberg: I'm sorry if I misled you. Representatives of those organizations belong to our organization and attend our meetings. They introduce themselves as "representatives of."

Mr Bradley: You have expressed, to say the least, considerable opposition to Susan Eng and the present board and to previous boards because they do not represent what you think should be on a police services board. How do we square that, however, with the fact that they probably represent what a significant majority of the people of this

province and the people of Metropolitan Toronto would like to see on a police board?

Mr Wainberg: I don't agree with that. I think the community wants to have some voice in policing. I'm not just talking about the left-wingers. Gordon Chong, you know, made the same comments as I did, that the board is not representing the wishes of the community. Gordon Chong and I don't agree on everything, we don't agree on too much, but we both agree that the board is not responsive. So I don't agree that my comments should be discarded because I don't represent the views of the majority. The majority wants to be heard, it wants a voice in policing, and it doesn't have it.

Mr Bradley: Your organization wishes to make the police, as you say, less militaristic than they are at the present time, more community-oriented. In a nutshell—and this is very difficult, I understand—how do you propose to achieve that while at the same time combating the obvious crime that's out there in the community at this time, the general community?

Mr Wainberg: It's a broad question. What really concerns us is the shootings. In the last four years there have been a tremendous number of shootings of civilians, and we feel that—

Mr Bradley: You're saying the shootings by police.

Mr Wainberg: Police officers shooting civilians.

Mr Bradley: Not the other shootings that are taking place across Metropolitan Toronto on an almost weekly basis.

Mr Wainberg: Well, that's a problem too, but police officers aren't getting shot. It's the civilians who are getting shot by police officers. That's—

Mr Bradley: And a lot of civilians by civilians.

Mr Wainberg: And a lot of civilians by civilians. There's a fairly strong gun regulation now, which was brought in by the Liberal government; it's been slightly changed by the NDP government, but not significantly, and it's not being enforced. Officers are pulling out their guns far too often. I can give you numbers if you want numbers, but I think that has to be curtailed. The present chief has shown no inclination to do that. The board, a year ago, tried to bring in a mission statement saying that the preservation of human life is the highest priority and that deadly force should be used only for the preservation of human life. Chief McCormack couldn't agree with that. He said it would impose undue operational restrictions on his officers, and that kind of attitude has to be dealt with. Susan Eng shares my views on that, but she's not doing anything about it.

Mr Bradley: In your view, would we see a decrease in the need for the number of occurrences where police use their guns or other offensive weapons, particularly guns—would that be diminished considerably if we were to implement in this country the kind of gun control legislation and regulations that have been advocated by a number of people, who have not to this point been listened to?

Mr Wainberg: You mean gun control regulations for civilians? Oh, yes, we should have much stronger gun control legislation. There was a resolution before city council a few years ago to have a gun-free zone in the city of Toronto. I think that kind of thing can be done at several levels. Sure, if you get fewer guns out there, the need for policing services will be reduced.

Mr Bradley: May I assume that you are a strong supporter of the Charter of Rights and Freedoms?

Mr Wainberg: Yes, except—

Mr Bradley: Do you believe that police officers should be able to invoke their rights under the Charter of Rights and Freedoms when dealing with the special investigations unit?

Mr Wainberg: I'll give you a little legal lecture. The Supreme Court of Canada has dealt with charter issues involving police disciplinary offences in several cases. They've consistently held that the Charter of Rights does not apply to police disciplinary proceedings. One of the cases was Trumbley and Pugh, the sex-in-the-cruiser case from a few years ago, and there were several cases which have followed that regarding section 11 of the charter: the right to an unbiased tribunal, the delay issues and so on. The Supreme Court of Canada says that in police disciplinary proceedings, officers don't have those protections.

With respect to the duty to speak to an investigator who is mandated by statute, the Supreme Court of Canada dealt with that issue in the Thomson Newspapers case in 1990. As it usually does, the Supreme Court of Canada split 2-to-1 on that issue: Does a person have to talk to the combines investigator? There's a tremendous amount of confusion, and there have been several editorials in the paper—Alan Borovoy, Clay Ruby, Howard Morton, head of the SIU, and they all feel—

Mr Bradley: Is Clay Ruby a partner of yours?

Mr Wainberg: No, no, no. I like Clay—

The Chair: I'm going to have to jump in here, Mr Wainberg.

Mr Wainberg: Anyway, the answer is that the police do have a right to silence as criminal suspects. Their duty as police officers, in my opinion, overrides that right. They have a public duty which is higher than their rights as criminal suspects. They have a right to remain silent, but they don't have a right to remain police officers.

The Chair: Thank you very much. That winds up your appearance before the committee. We appreciate you taking the time to be with us today.

Mr Wainberg: Thank you. I appreciate it.

The Chair: Just before we break, the package of material that's sitting in front of you is for Wednesday's hearing, just so you're aware of what it's all about. It can be left in the committee room over this evening. I am advised that it's also tomorrow's material as well.

We have a subcommittee meeting coming up right away, and we'll adjourn the meeting.

The committee adjourned at 1651.

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Copen, Shirley (Niagara South/-Sud ND) for Ms Carter
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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intersession, 35th Parliament

Official Report of Debates (Hansard)

Tuesday 2 February 1993

Standing committee on government agencies

Agency review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Mardi 2 février 1993

Comité permanent des organismes gouvernementaux

Examen des organismes
gouvernementaux

Chair: Robert W. Runciman
Clerk: Lynn Mellor

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Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron



Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 2 February 1993

The committee met at 1008 in committee room 2.

AGENCY REVIEW

Consideration of the operations of certain agencies, boards and commissions.

ONTARIO MUNICIPAL BOARD

The Chair (Mr Robert W. Runciman): Can we come to order, please, and get under way. Our first and only witness today is John Sewell, who's the chair of the Commission on Planning and Development Reform in Ontario.

Mr Sewell, would you like to come forward and have a seat? Welcome to the committee.

Mr John Sewell: Thank you very much. Pleased to be here.

The Chair: You understand why the invitation was extended. The committee has been reviewing for some time now the operations of the Ontario Municipal Board.

Mr Sewell: That's correct.

The Chair: Before we finalized our report, we felt it would be appropriate to have you in for a discussion of what you've been doing and perhaps bring us up to date on how you see your study impacting on the operations of the Ontario Municipal Board.

Mr Sewell: Okay.

The Chair: Would you like to say something—

Mr Sewell: Sure. Why don't I talk about the general kinds of approaches we're suggesting.

I think people have seen the draft report. In there we have a chapter on conflicts, disputes and appeals. We believe that in any kind of planning system—and that's the only aspect, by the way; I think I'm talking about planning questions; I don't know much about assessment appeals—there are bound to be disputes, whether it's disputes between various governments, whether it's disputes between private parties and governments or disputes between private parties. There are bound to be disputes and it's important that there be a good, strong way of resolving those disputes.

We've suggested a couple of approaches. We're suggesting that there should be ways of making the planning system itself less adversarial. We've made a hint, which I think we'd like to pick up on, that there should be alternative dispute resolution mechanisms at the municipal level before a council decision is made. A number of people have suggested to us that it would be really helpful if there were some way the parties who are having the dispute were forced to get together in the same room before a council decision. We're trying to figure out how that might be done. We're also suggesting that there must be a really good dispute resolution mechanism after municipal decisions. Of course, that's the

role of the OMB, although it's possible that it could play a role in dispute resolution before council decisions are made. That's one thing that people talked about.

Our suggestion is that the OMB should be required to hold a meeting within 30 days of receiving an appeal. So when the clerk mails off the appeal, if he mails it off on January 1, we think the OMB has to get the parties together at a meeting before the end of January. We call it a preliminary meeting, for lack of a better term. At that meeting the board should be in a position—and we've listed the things on page 75, but just to go through them—of talking generally about the case and what the dispute is about; who the parties happen to be; what kind of information each of them has; whether any statutory requirements have been met or haven't been met; they can talk about the need to share information—there might be some information that one party has not disclosed to the other, so the board should be able to require that information be shared; we think the board should be trying to narrow issues in dispute, trying to settle a case if possible, maybe explore the kinds of ways that settlement might occur; and think about how long a hearing might take if there was one to be held.

We think that at that kind of meeting an awful lot will get cleared off the table. We think that in some of those cases there will be a settlement, or someone will say, "Hey, I didn't really want to go too far but I think this is awful and here's why." Or, as we've heard from a number of developers, often the first time they know what the case against them is is when they get to the OMB, and this would be an opportunity for the developer, as an example, to say: "Oh, that's what they're concerned about. Well, hey, we can do this and this in order to try to accommodate them." So we very much expect that this meeting will do an awful lot to narrow issues and create some settlement opportunities.

Another thing that we think would happen at that meeting is that the meeting would talk about the possibility of intervenor funding. We've suggested that that should be an opportunity the board has available to it, where it feels there is a public interest that otherwise wouldn't be readily represented, to consider intervenor funding. We have some suggestions about that and I can get back to that in just a minute, but we do believe that's a real requirement at the board.

We believe that these preliminary meetings could be convened or could be presided over by an OMB member or by someone appointed by the OMB. We think there are lots of people in communities who could easily be brought in to look at these meetings and say: "Come on, let's get together. Let's figure out how we can have a settlement here or at least narrow all the issues." So the possibility of actually bringing non-board members in to hold these preliminary meetings is, we think, very good. We think that's

a terrific opportunity, I might say, for not only local input—really local input—but also introducing new ideas into the board in a nice, informal way, getting new talents and new ways of doing things floating around in terms of what the board is up to. It should also ensure that we don't find that this preliminary meeting being held in 30 days drags on to 60 days, 90 days and so forth, so that we can actually bring in people to respond to the kind of demand that's there.

Some people have suggested that using the board in this way, as the dispute resolution mechanism, is going to put a very heavy load on it. We think that in fact it will change the load. It will be a heavy load, but it will change the nature of the work that the OMB does. Instead of having an awful lot of long hearings that go on for two or three weeks or two or three months, we think that the number of hearings might increase but in fact they might be two or three days. A lot of them could be cleared up in terms of this first preliminary meeting, or maybe that first meeting will go to a number of other meetings. So we think there's a really good opportunity for this to considerably shrink the process at the OMB without an increase in the resources needed, and we think it will provide a much more conciliatory way of proceeding.

We believe that to do this, the board doesn't need resources, but it does need more training. I know that's a recommendation that the committee is now thinking of. We have no question but that training will be required so board members can have good negotiation and mediation skills. We aren't born with those skills, but people can be trained in them, and we think they should be.

I guess the only other thing I'd like to comment on is the question of intervenor funding. Let me spend just a moment on that. Our recommendations are based on the idea that the provincial government expresses policies in regard to planning and that in fact there should be good, clear policy that everybody recognizes that's sitting right there. We've made some proposals in the draft report about what that policy should be. Generally, our position is that the policy should be the kinds of policies that are sort of expressed now by ministries, often not openly enough. What we're trying to do is make it clear to the world what the policy actually is, so we think it should be stated.

We think those policies will provide a very good framework for planning at the municipal level so municipalities know the kinds of things that are expected of them. We think that having policy there in and of itself will give very strong direction to municipalities, and we don't think that very many municipalities are going to knowingly go out and do things contrary to the policy. The experience in Ontario is that if you have planning policy expressed, most municipalities try to meet it. We only have four policies at the present time, but in fact, often municipalities try to meet them. Some municipalities don't, but that's the nature of the world. So having the policies there will be a really good way of ensuring that public interests are protected.

However, we think there are going to be some cases where public interests are not protected; where, for instance, there's a real question about the applicability of the policy in a particular area. In those cases, there might be a group

of local citizens who feel very strongly about how that policy should be interpreted, and unless they have some funding available, they won't be able to fairly express themselves.

We think there's a second area of concern, and that is that there are going to be some areas where there isn't public policy but indeed there should be. That's going to happen simply because, as you know, often the public and the private sectors lag behind public concerns. There are going to be some cases where a concern has not yet found its way up into provincial policy, but it's clear that it's there. In those cases where there's a clear public concern that hasn't found its way into policy, we think there should be some funding available. So there are the two instances where we think intervenor funding should be provided.

1020

Our suggestion is that the provincial government should get out of approvals. Right now, the check on the system is that most things municipalities do are then checked over by the province. We think that's a great waste of energy. It doesn't add very much in terms of value. If we're getting rid of that, it's more important than ever that the citizenry have some device to ensure that public interests are strongly protected. It's in those cases that we think intervenor funding would be required, and we've got some clear ideas about how it is given and the extent and so forth.

I've recognized in the report that John Kruger suggested it would be required about 20 times a year, and we think that's about right. We've suggested that while we're waiting for the legislation to be changed, the province should be putting in some money so the OMB can have a fund to draw on for intervenor funding right away. We suggested \$500,000, but that's just a transitional thing. I think I'll stop at this point. I think those are our major proposals about the OMB.

The Chair: Thanks, Mr Sewell. I'm going to open up the questions, and what we'll try to do, as a guideline, is 20 minutes per caucus, per round. So we'll try to make it as fair as possible.

Mr James J. Bradley (St Catharines): Is Mr Sewell coming back this afternoon?

The Chair: No, he's not. Mr Sewell is only with us this morning, so we'll have to make the best of it.

Mr Bradley: I see. It said, "If required," on your agenda.

The Chair: The committee will meet if required. Mr Grandmaître, do you want to start?

Mr Bernard Grandmaître (Ottawa East): John, what you're going through is not new. Other governments have tried to do exactly what you're trying to do.

Mr Sewell: Yes, no question.

Mr Grandmaître: Nothing has ever materialized, but it seems your people are determined to bring about some changes. Last week, we were examining and reviewing Bill 61, the Toronto Islands affair, a sweetheart deal. What are your thoughts? You're interested in changing the Planning Act, the way we do business in the province of Ontario.

We're excluding the Toronto Islands from the Planning Act. What are your thoughts on that one?

Mr Sewell: It's something I'm not aware of at all, I'm afraid. I've been so caught up that I have no idea about Bill 61.

Mr Grandmaître: That's strange, because I asked if your people were involved. The fact is that the ministry or the minister is saying, "Well, no, the Toronto Islands are excluded from the Planning Act." I've been trying to get an answer from the parliamentary assistant and even the minister.

Mr Gordon Mills (Durham East): We gave it to you.

Mr Bradley: What he should have done was check the poll results on the islands. He would have had the answer to that: all NDP.

Mr Grandmaître: But now Mr Sewell is telling me that he's not even aware of it. How can the minister have an answer if you're not aware and you're responsible to improve the planning mechanisms of this province? What appeal mechanism will the islanders have if a development goes up and these people are not in favour of the future developments of the islands?

Mr Sewell: I have no idea. It's not something I'm aware of at all. Sorry; I can't help you.

Mr Mills: We told you last week.

Mr Grandmaître: Gord, you didn't give me an answer. It's a provincial interest and I kept repeating myself—Rosario will remind me of this—asking what mechanism these people will have to appeal to the OMB or appeal to the minister. What is the appeal mechanism? You're honest enough to tell me the truth. You're not even aware of it. Your responsibility is to streamline planning in the province of Ontario or accommodate municipal planning with provincial interest. Now you're telling me you're not aware of it.

My next question, the Niagara Escarpment: Again, former governments have been dealing with the Niagara Escarpment for the last 20 years and some 26 or 27 municipalities, five or six regions are involved in this. You've got all kinds of official plans, and back in the early 1970s, if I'm not mistaken, a Tory government wanted to approve these official plans and give them back to the individual municipalities and this has never happened. How involved are you in this process?

Mr Sewell: We've looked in a fleeting way at whether we should be dealing with the Niagara Escarpment Commission and decided we shouldn't. There are two reasons for that. One is that we're aware a review is being undertaken on it right now by the Ministry of Natural Resources and we thought we didn't want to duplicate that. But the second thing, and I think it's the more important thing, is that we've decided to not be location-specific in regard to any of our recommendations.

There are a number of planning matters that are happening throughout the province and a number of planning concerns throughout the province, and we've decided that our job is to look at the larger question of the Planning Act and how it might apply in a general way throughout the

province and not to deal with the location-specific concerns. The Niagara Escarpment Commission is one of them, the greater Toronto area is another, the parkway belt west is another, and the kinds of proposals they're talking about in Ottawa and the National Capital Commission is another.

There are a number of very specific problems like that, and we made a decision that we would not get involved in those. You simply can't do everything at the speed with which we're moving, and we believe it's important to move quickly in planning. Planning faced much too much delay in the last 20 years. We decided we simply couldn't take that on our plate.

We have suggested a formula or an approach that could be used for the province in dealing with area-specific concerns. We suggest that there could be some proposals to have policy that is area-specific. If, for instance, you wanted to have some planning proposals for the Highway 11 corridor north of North Bay, and there's been a lot of talk about that for the last 10 or 15 years, the best way to do that, we think, would be in declaring provincial policy on an area-specific basis. But that's all we've done. We've provided that mechanism, but we decided not to get involved in the specifics of matters such as the Niagara Escarpment Commission or the office for the greater Toronto area and so forth.

I might say that we've heard a number of presentations about the commission. Last week we had a very interesting meeting in St Catharines, a couple of hundred people, mostly about the tender fruit farms but also about the commission. I understand that the Niagara region has now asked the Niagara Escarpment Commission, or maybe it's the Minister of Municipal Affairs, for the policy of the commission to be given to the Niagara region for administration. They're using our proposal as the model for that kind of approach. I don't know what's happening about that proposal. I gather it was just made at the beginning of January, but we aren't dealing with that directly.

Mr Grandmaître: But the fact, Mr Sewell, is that your responsibility is to streamline the planning procedures in the province of Ontario. You did point out that some of the strategic planning areas, such as the parkway belt and the Niagara Escarpment and the NCC and so on and so forth, cover a large area of our province, and it seems to me that—and this is not new; it's been going on for a number of years—people are totally dissatisfied with the Niagara Escarpment Commission. Don't you think it would have been an ideal opportunity for the ministry or your people to look into the planning procedures of the Niagara Escarpment?

1030

Mr Sewell: I can't speak for the ministry. We're an independent commission. We do what we want, but in terms of our agenda and our work, I've indicated that we decided no. We simply didn't have the energy and the time to do it.

You must recognize that if you're trying to deal with area-specific questions, you have to get into a staggering amount of detail, which is going to take an awful lot of

time, and that's the reason we avoided those. If we got involved with the NEC, we believe that we would have no choice but to look at other area-specific matters, and they're very contentious. The OGTA is very contentious, the NCC is very contentious, and we simply said that would not be a good use of our resources.

Mr Bradley: Can I get a supplementary on this? Because I happen to be a fan of the Niagara Escarpment Commission and managed to wrestle it from Municipal Affairs to Environment in the dying days of the previous administration, over the dead bodies of a few people, I assure you—I know you didn't look at the Niagara Escarpment Commission, but you've never been a person who has in the past in the least shied away from making comments, so I'll ask you this question—

Mr Sewell: I might shy away this time.

Mr Bradley: —and hope that I can elicit an answer from you, and I'll try not to load the question too much. Do you believe that it would be unwise for the Niagara Escarpment Commission to yield control to local municipalities, many of which would like to pave every last centimetre of that municipality?

Mr Sewell: Well, I'm glad the question was not loaded. It makes it a lot easier to answer.

One of the proposals we've made very strongly is that when you're dealing with major environmental questions or questions of settlement, they should be dealt with by the upper-tier municipality, not the lower-tier municipality. We think that is a very good use of public funds, rather than trying to put it right down, and so that's where those policy questions should be lodged. In no case—well, that's not true, “in no case.” In most cases we believe that those larger questions should be at the upper-tier, not at the lower-tier municipality.

Mr Bradley: Like a regional municipality.

Mr Sewell: A region, as an example, or a county. There are a few examples where you have very large lower-tier municipalities, like the six in Metro Toronto as an example, and we've had some trouble satisfying them about their status. So I really can't comment on that.

As to whether that should happen, I don't know at this point. There's no question that there's a strong disagreement on what should happen. There are some people who are very substantial admirers of the commission and think that without the commission the escarpment would have gone—

Mr Bradley: Precisely.

Mr Sewell: —and there are some who say: “Wait a minute now. Administratively, we don't like the way the commission is run. They've mucked up this and they've mucked up that and therefore we'd like to see some changes.”

Mr Bradley: Those are the people who didn't get their development right smack in the middle of the escarpment.

Mr Sewell: Well, yes. There might be others as well. So it's a very contentious matter, but almost in no case would we think that the administration of commission policy

should be transferred to the lower tier. If it was going to be transferred anywhere, it should be transferred to the upper tier.

I might say that one of the problems with doing that which we've become aware of—because we've been pulled into this debate on an informal basis—is that development applications are not dealt with by the upper tier; they're dealt with by the lower tier, which makes a real problem. If the policy is being administered by the upper tier, what's the hook-in with the lower tier in terms of this? So there is some difficulty there and that's why some defenders of the escarpment are very worried about that transfer. That's why it's complicated.

Mr Bradley: I'll load the question again with this one and say, “But don't you believe,” and that's an awful way to frame it. You can quarrel with this, but don't you believe that whether you put it at the lower tier or the upper tier, there are municipal politicians, often in the midst of difficult economic circumstances, competition for economics, who think that unless you put that development smack in the middle of the Niagara Escarpment, somehow their municipality is going to lose out and there'll be lots of unemployment in that area? So don't you think that the commission, independent of local pressures, is the only body that can really protect, in the long-term interests, the lands that are within the boundaries of the Niagara Escarpment Commission?

Mr Sewell: I'm not well enough informed to answer that question, but I would like to comment that while some local politicians end up making bad decisions that are harmful to the environment or to the escarpment, there are lots of others who are really good. I have a lot of faith in municipal politicians, having been there for some time. I have a lot of respect for the kinds of decisions they make. I realize they can get too ambitious about getting things done, but that's a sin that some MPPs have too.

Mr Bradley: Are we going to have—

The Chair: I've been generous with you, Mr Bradley. Mr Grandmaître, it's back to you.

Mr Bradley: Are we going to be able to get another 20 minutes after this?

The Chair: Oh, sure. We'll have a rotation on that.

Mr Grandmaître: We'll take a rest.

Mr Allan K. McLean (Simcoe East): Mr Sewell, one of your recommendations is that the OMB should not refer any decisions to cabinet for any reason.

Mr Sewell: That's correct.

Mr McLean: What's going to happen if the OMB members feel and know that their decision is final? Do you think that'll have a bearing on a decision they would make?

Mr Sewell: I hope it will, yes. I hope it means they'll take their job very seriously, as I believe they do now. The number of times that matters have been referred from the OMB to the cabinet—and there are very few, but they seem to be upsetting. The Etobicoke waterfront is an example, and it's not the only one. There are other ones as well where people say: “Wait a second, now. What's going on?” What we were trying to do was remove that area of

discretion, because there's no question that in certain cases the cabinet of the day will try to use it.

We think there are other ways the government of the day can intervene. We've suggested that it should be allowed to have a holding bylaw, comparable to the one municipalities now have, so that in situations where something is going on that's inappropriate, the government can rush in and say, "We're putting a hold on that while we develop a policy that responds to it."

Mr McLean: Are you making recommendations that the upper-tier county or regional governments will all have official plans and zoning bylaws? Is that one of your recommendations?

Mr Sewell: We believe that upper tiers—counties and regions—must have plans, and we're specific about the kinds of plans we think they should have.

Mr McLean: As it is now in a lot of counties, there are some counties—a lot of them—that don't have plans.

Mr Sewell: Two thirds of the counties do not have plans, and one third of the counties don't even have planners. We'd like to change that. Our proposal is a fairly simple one: that in those situations planning goes on at the lower tier, at the township level. According to the studies that we did, there is no economic saving in terms of doing planning at the township level rather than at the county level. In other words, the counties that are doing good planning aren't spending any more money on a per-capita basis than the ones where the townships are.

We believe that many townships, not only having a small population but having a very small economic base in order to draw money for planning, aren't in a position really to start dealing with the kinds of questions planning should deal with: What are the options, where would we like to go, and so forth.

Mr McLean: But what you're trying to do is make one overall planning for the whole county. Suppose the county of Simcoe—

Mr Sewell: Yes, that's correct.

Mr McLean: One whole planning. You would have an office staff there that would treat every municipality the same. You would have an office staff there that could deny a request for a variance. Then that application could be made to the committee of adjustment. Are you going to be recommending a committee of adjustment for every county, whereby it would rule on whether consent or minor variances—

Mr Sewell: Yes. Right now most counties do have a land division committee that makes those, and we think, yes, land division committees should continue. They are a useful thing. But we think there should be county policy about severances so that we've got some handle on them.

As we've learned, there are a lot of problems with severances at the moment, and there are a lot of severances that have already occurred that have never been built on. I don't know what the figure is; 100,000, maybe, in the province. But there are a number of very substantial problems that are caused, not only in terms of preserving resources of some kind or another, whether it's an aggregate

resource, whether it's a farming resource, whether it's the natural heritage or whether it's cultural resources. What happens is, you used to have a nice county road; now it's lined with houses. So I think it's really important that the county get a handle on where it thinks severances should happen and how they occur.

1040

Mr McLean: And how you get the severances. I want to get on to the process here. After the committee of adjustment has dealt with it and the individual is still not satisfied, would he then go to the OMB?

Mr Sewell: That's correct.

Mr McLean: He could make his application and an appeal that would be dealt with within 30 days. That's your recommendation?

Mr Sewell: It wouldn't be finally dealt with, but what the OMB would do is to hold a preliminary hearing within 30 days so you could get on with dealing with it. In some cases you're going to find that all you need is that preliminary hearing and people are satisfied; they can reach a settlement. In other cases, you might find there's a very frivolous but obnoxious appellant, and we think the OMB should have a very speedy hearing in those cases and so forth.

Mr McLean: But I thought we were trying to get away from these going to the OMB; they would be dealt with at the upper tier.

Mr Sewell: Well, we think the upper tier should have policies, but what do you do in cases where there's still a dispute, where somebody says, "Sorry, I don't like the way you've interpreted this"? We think there has to be some—

Mr McLean: And I agree. The problem I've had with the OMB over the years—years ago, I remember, it used to be there for anybody. Anybody could appeal and be heard.

Mr Sewell: Yes.

Mr McLean: Now you've either got to take your lawyer with you—and there are mostly lawyers and accountants who are on it, which bothers me; the ordinary person can't go and be heard and treated with a commonsense approach. Are we going to have a stage in there where we'll get that? Will that be the stage after we have the minor variance turned down by the committee of adjustment?

Mr Sewell: Yes.

Mr McLean: That person could go and be heard without having to take lawyers?

Mr Sewell: Well, we would very much like it, and we think the preliminary hearing would be an informal hearing around a table. It doesn't mean you wouldn't have your lawyer there. Unfortunately—I don't know. When the other side has a bunch of lawyers, they can be pretty intimidating. Obviously the OMB person who is chairing it can have a real influence on that in terms of how that meeting goes, and we'd like it then to have as much of a calming influence in saying: "Wait a second. Let's just try and reach a settlement."

Mr McLean: I want to move on—

Mr Sewell: I think the other problem with the OMB—not only the lawyerliness, but the delay has been really, really unfair to a lot of people. Getting around that delay, getting people together quite quickly, is, we think, a real step forward.

Mr McLean: Yes, it is.

The other area that I want to bring to your attention and I want your comments on is that as the policy is now with the Ministry of the Environment and the Ministry of Education, the Ministry of the Environment now requires 150 acres to expand a rural school. It's unacceptable to most people in rural Ontario.

In the county of Simcoe, the board got approval to put an addition on to a rural school, and the letter from the ministry was, "Well, deal with the local Ministry of the Environment to see how you can work it out." And yet they're saying, "You can't produce." I have Dale Martin looking into it as a conciliator. But the problem we've got is that we have rural Ontario now that can't expand a rural school because the MOE is saying—

Mr Sewell: It's a septic problem.

Mr McLean: A septic problem. The minister is saying, "Well, if you could move it five miles, into an urban area, you can expand it." But that's not going to happen, so it's a real dilemma.

Mr Sewell: It's a serious dilemma, no question about that.

I think there are two issues. One is trying to be clear about where you'd like to see development happen and where you wouldn't like to see it happen. One of our proposals is that we should be doing that more than we're doing it now in rural areas. This is one of the reasons why you want to have county plans, so they can actually say: "Where do we want to see development happen? Let's be clear about it up front."

The second thing is dealing with the sewage questions. We have, I think, some very useful proposals about dealing with sewage, particularly the idea of inspections. We found that, what, a third of septic systems in Ontario have failed, so trying to get inspections is going to help; secondly, getting into alternative systems. It seems to me that using alternative systems for schools would be really useful. We've got some proposals about that, trying to push MOE into actually looking into other ways of dealing with sewage. I must say the most remarkable one we've seen is a privately owned system in a new development near Fergus, where a private developer is actually building 200 units, and he's putting groups of 40 units on a common septic system with a rotor. The system processes sewage so that the effluent that comes out is probably at least as good as at any sewage treatment facility. It also deals with nitrates. Of course, what's interesting is that not one chemical is used in this process; it's all a natural process.

That kind of system is one we think really should be encouraged in many other places in Ontario. I know one of MOE's problems is that: "Hey, this system depends on a rotor, a big machine, stirring everything up. What happens when hydro fails?" If hydro fails, we're all in trouble, right?

Mr McLean: Right. Inflexible.

Mr Sewell: So we think that that kind of a proposal really should be encouraged. There are others as well. I think that's one of the big problems about that school, not just the development areas but that one as well.

Mr McLean: But every septic system that's gone in for schools has been put in because the amount of rooms have all been approved by the Simcoe County District Health Unit, the MOE—everything's been approved and there are no problems. All of a sudden now, they're saying, "Whoa," and yet there have been no problems to show that there has been one.

Mr Sewell: Well, as we say, one of the things we really want to do is have really clear ministerial policy so you know what it is in advance. Part of the problem we have now is that it seems policy is developed as applications come in. "Oh, here's an interesting application. I wonder what we should do with this. What policy should we apply to this one?" We'd like to get out of that position. We know there are many people in the ministries who would also agree. Let's write down our policy. If it's not working, we'll change it.

Mr McLean: So what you're saying then is, there would be no further severances in rural Ontario unless there's a criterion, or there will be no severances unless it has central water and a sewage system.

Mr Sewell: No, no, not at all. We have some proposals about it, but our basic position is that you shouldn't be able to create a lot unless it's clear you're going to be able to have water for that lot and that the sewage can be treated in some way. Their criteria for it; it doesn't mean you have to be on a central system. We're saying you shouldn't be looking at that. That should not be the criterion. The criterion should be, how well do you deal with the sewage?

Mr McLean: Okay. So you're saying, no more septic tanks with a sewage bed.

Mr Sewell: No, we aren't saying that. Not at all.

Mr McLean: Well, how would you treat that septic system?

Mr Sewell: We don't have any problem with septic systems. Some lots can't take a septic system, anywhere basically down in Kent county and that whole area, the other side of London. You shouldn't be putting septic systems in there. They don't work and the evidence is overwhelming in that area. But in lots of parts of Ontario, septic systems are perfectly okay. In parts where you can't use septic systems because of the ground conditions, you should be looking at other systems. There are some other systems that can be used. Some places, you aren't going to find any system that's going to work and in that case we say, "Sorry, can't work."

If we can actually get seriously into composting toilets, which I think we should be, then there are a lot of areas where you don't have any problems. We know that, right now, if you want to build a cottage on a rock in Georgian Bay, you have to show you can have a septic system. Dumb, right? Septic systems shouldn't be allowed in Georgian Bay. It should only be composting toilets,

right?—given the nature. So we've got to have some changes. That's one question about severances.

But the other question we see is that in rural areas, if you're looking at lot creation of any kind, you have to look at where you want to encourage development. If you're dealing with what we call large-scale development—and I don't know what that is; 10 units, 15 units; depends on the situation—then you should be putting that in an area which you've already designated as an area for development.

But if you're talking about small-scale development—a lot here, a lot there—you should be talking about the kinds of rural characteristics you want to preserve. Rather than just allowing them anywhere, you should be saying: "Now, what are the characteristics we want to preserve? Maybe we want to ensure that houses are set back a good distance from the road. Maybe we want to ensure that it feels like it's a rural area." That has to do with tree plantings and so on. We think counties can do that quite well. They can say, "Here are the rural characteristics we want to preserve." People sit down, have a talk about it, and severances or lot creations of any kind that protect those rural characteristics are fine. They'd be within the municipal plan.

Outside of quality agricultural land, where we're saying that's a resource that must be protected—we can't afford to just keep throwing up our hands and saying we won't save quality agricultural land—apart from that, we don't have any restrictions whatsoever on lot creation, apart from sewage and water questions, which seem normal, and this thing about rural characteristics that we want the county to define.

1050

Mr McLean: Good. The other area I want to speak briefly about is, would you see the OMB staff or members increase substantially?

Mr Sewell: No. We get to meet the OMB members next week, and they go at us on this stuff. But that with the proposals we've got for the OMB playing much more of a dispute resolution role by these early meetings, we think they can do that within their existing resources. We don't see their need to increase members or to increase funding. We might be wrong about that, but we see no reason why it's going to require more. We see outside people coming in and helping out and we don't see that as being a very large expense.

Mr McLean: You indicated about \$500,000 that you'd like to see set aside with regard to intervenor funding.

Mr Sewell: Intervenor; yes.

Mr McLean: What major groups would be looking at using that \$500,000 or part of it? A dump site?

Mr Sewell: No, not dump sites, because we're saying they still don't fall under the Planning Act; they fall under the Environmental Assessment Act. I'm afraid we've decided to avoid that issue, for some reasons, eh?

Mr Bradley: A very wise decision.

Mr Sewell: But there's been some debate in the commission about that because we have some proposals to

take a number of municipal infrastructures from under the Environmental Assessment Act and put them under the Planning Act and completely simplify the way they're dealt with, in what everybody seems to think is a wise move. So we've backed away from that.

Intervenor funding: I can go to some examples we've heard in the past, where people have fought what seemed to be quite reasonable battles to protect a very significant wetland, to try to protect a large aquifer from getting polluted: those kinds of very large public interests. Sure, they often look as though it's somebody who's crazy out there, fighting alone. They mortgage their house and all those kinds of things, and at the end of it everybody says, "Gee, you did a good job." They're the kinds of things we're thinking of, but not private interests. That's the other point I want to make. We don't believe that any intervenor funding should be made available to defend private interests.

Mr McLean: I have the Rama reserve, which is in the township. Would they come under the planning for that area? Would they be under the jurisdiction of the county as far as planning goes or would they be left out?

Mr Sewell: We have a chapter on planning in aboriginal communities. Our recommendations are basically that we've got to start notifying first nations. Municipalities have an obligation to do that. But we believe that self-government is going far enough along at this point that the only way to ensure that they're actively involved in planning and may be represented on planning structures of some sort is with their consent. We don't know how else to deal with that, and that's a really difficult issue, I might say.

Mr McLean: They have representatives who sit on school boards.

Mr Sewell: Yes. We're suggesting that if they'd like to have representatives sitting on these other bodies, it would be good.

We were down in Brantford last week—St Catharines one night and then Brantford the next—where we had a really terrific meeting. At the end of it a couple of chiefs came from the Six Nations Indian Reserve and made two speeches. The traditional thing is long and sort of rambling. The room was jammed. You could have heard a pin drop. It was very powerful stuff, just talking about the native perspective on planning. One of the gentlemen said: "I heard tonight that you were talking about land. We know a lot about land so I decided to come."

What I realized after the meeting was that this is probably unusual for people in Brantford. They probably don't normally hear natives talking about planning issues even though they're right there. That's not a problem just in Brantford; we know it's a problem in many other places, and anything we can do to encourage those two interests to talk would be really good. We've made some proposals in that regard.

Mr McLean: Is my time used up?

Mr Bradley: Can I get a clarification on this one? My mind drifted to something else. Did you say that yes, you do control the reservations, or no?

Mr Sewell: We said no, meaning first that self-government is far enough along that we can't make any suggestions on that.

Mr Bradley: That, in my view, is going to be a jackpot in the future.

Mr Sewell: It's going to be a big problem. It's going to be very difficult, no question about that.

Mr Bradley: I mean a jackpot in more ways than one.

Mr Sewell: It's not going to be easy.

Mr Robert Frankford (Scarborough East): It's nice to see you here.

Mr Sewell: Thank you.

Mr Frankford: The OMB is a topic that comes up frequently from my constituents in Scarborough East, individuals and community associations. I'm sure any assistance in presenting their case would be very welcome. I guess one of the problems I have all the time is just explaining the nature of the OMB. I'm often asked, "Can't you stop this going to the OMB?" One has to point out that it's a quasi-judicial tribunal and one can't interfere with a process going forward. I think your thoughts about pre-hearings would be very welcome, and the possibility of intervenor funding, although from what you've said I can see you're not thinking it would be that easily available to all community groups.

Mr Sewell: That's right.

Mr Frankford: I'm wondering whether, instead of funding per se, the board might offer technical assistance or advice at the pre-hearing or even pre-pre-hearing to community groups.

Mr Sewell: Of what kind, as an example?

Mr Frankford: I think it's a matter of preparing one's best case, whether it's of a legal planning nature or—

Mr Grandmaitre: Demystify the process.

Mr Sewell: Sure, yes. We're very hopeful that this is one of the things the procedural meeting will deal with, that it'll start to get it out. "What's the problem here? What do we want to say?"—those kinds of questions.

We certainly believe that the meeting should be able to proceed without somebody having to hire a lawyer, just to get back to Mr McLean's question. We certainly hope that's the case. We think that if we can build in some certainty at the beginning of the process, one certainty being what provincial policy is, it should be written down. Second, what is municipal policy? We think it should be written down. Third, can we get the parties together before a decision is made? Can we ensure that the public is involved from day one? We think all those things will help in terms of resolving those disputes so that they won't be as big and ugly as they now are.

There is one change that really is worth noting. At the present time, a public meeting is required under the Planning Act before council makes a decision. For some people, that's the first time they ever hear of it, right at the end of the process, after all the deals have been made. I don't mean deals in the bad sense. We're saying that it should

happen at the beginning of the process: Let people know right then.

Of course, the development industry says: "Terrific. We like that. We hate being ambushed." So it seems that councillors might have some problem with that in that they lose a bit of their negotiating room, but we think that will really significantly help in terms of looking at projects.

Mr Frankford: I very much appreciate what you're saying there. You said previously that you wouldn't see intervenor funding for private interests. When I think of my area and home owners, I think it's difficult to differentiate. There's a private interest that the home owners are putting forward, but there's also a community interest and a sort of community planning aspect.

Mr Sewell: I think the point we make is there has to be that public, community interest. There's always bound to be a bit of private interest. We are human beings after all. But yes, there has to be that larger interest. You can't go simply because you're saying: "Wait a minute, now. This isn't fair. What's happening to me?" Well, you can go, but the point is that there shouldn't be intervenor funding in those situations. It should be a public interest that's being defended.

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Mr Dennis Drainville (Victoria-Haliburton): It's a very quick question. It has to do with some of the questions Mr McLean had raised and I want to give you a specific case to show you some of the difficulties of what's being proposed. I'm not at all saying that I don't agree with the proposal, but some of the challenges, and that is, I bring to your attention Haliburton county. Haliburton county is the smallest county in Ontario: 13,000 permanent residents. There are no incorporated villages, hamlets or towns within that county. The tax base is exceedingly small. Reliance upon tourism is the major industry and there is 30% unemployment at present.

What is happening in the area of planning is that more and more is being required from various levels of government, from the ministries, particularly Environment, Natural Resources and Municipal Affairs. The problem is that there is not a substantial enough tax base to be able to provide the resources whereby many of the plans that you are suggesting can be undertaken by the county and can be provided to the province.

I'm acknowledging the very real need for change in this area and also acknowledging and affirming some of the very strong proposals that have been set forward. The difficulty is, how do you take a community like that and set up guidelines that are enforceable by the province? These people, not having the resources, cannot possibly provide what's being expected and demanded of them, and what do we do about those very special cases?

Mr Sewell: That's one of the big questions. I don't want to duck that one. It's not just a problem in Haliburton. It's a problem in other counties where they might have more resources than Haliburton, but they say, "Hey, we don't have enough to do any reasonable planning." So it's a problem that we've heard in a number of counties, or if we haven't heard, we expect to hear.

We haven't got a good answer to that one yet and we're going to have to find one obviously if this thing is going to work. One approach is to say, "Oh, well, let the province fund the planning." There are a couple of problems with that. The province doesn't have a lot of money. Secondly, the minute the province gets in there, it starts to own what the county is doing and we don't want that. We want the county to own its plan and that's been the problem with provincial approval systems, right? If you always have to go to the province to get approval, you don't own anything.

So we haven't got a good answer to how do we actually get the Haliburtons of the world to do the planning. What's the incentive we give them to do it? We know that planning doesn't have to cost as much as it does. We know that most communities have very good resources that could be used for very little money. We think of doing a lot of environmental planning, as an example, and rather than hiring a consultant for \$500,000, get the naturalists' groups together along with some of the developers and start mapping that stuff. It's not all that hard. It's certainly not expensive. There's a sort of a shift that's required there, in terms of getting information for planning.

We don't have a good answer as to how we ensure that the Haliburtons of the world do really good planning, and we'd like to find a better one. We have no question that they should be doing planning. They'll be better off. They'll be making much better use of the resources in the future. How do we get them to do it? We agree that just requiring them is not going to be a good enough solution.

That's a real problem that I must say has come up. The closer we've gotten to saying, "They should be doing planning," the more we think, "Wow." So we don't have the answer to that one yet. We'd really appreciate advice on what we do, on whether we get into a joint funding arrangement with the province. I don't know. Certainly, as for asking the developers to fund the cost of planning, as happens in some of the larger municipalities, the developers in Haliburton just aren't large enough. They don't have the funds for that stuff. It's a very serious problem and we don't have a good answer.

Mr Tony Rizzo (Oakwood): You may have given the answer to Mr Frankford already, but I wasn't here. I'm a little concerned about the condition to introduce intervenor funding. I'm afraid that applicants for funding would be hiring lawyers to get advice on how to get funding and the end result would be that in the long run the costs would not justify the benefits that may be anticipated now. What do you have to say about that?

Mr Sewell: One of the things that I think has to be looked at by the OMB, in trying to figure out whether it wants to grant an application for intervenor funding, is what the money's going to be used for. If I were making that decision I'd want to ensure that a lot of that money's going for the expert testimony that people think you need, that it's not all being sunk into the lawyers.

I don't know how to ensure that it's going to be the case, but we say that it's one of the criteria. On page 76, we say that the intervenor has to have a clear proposal for

the use of any funds that might be awarded. That's something the OMB would be looking at: What do you want the money for? If it's all going to the lawyer—but I don't know how to avoid that one. I agree that you don't want the lawyers running away with everything, and—

Mr Bradley: They will.

Mr Sewell: Well, we're trying to build in a more conciliatory planning process so that the opportunities for parties to talk to each other, the requirement for them to talk to each other before we get past the council decision, will have significantly improved, and we think that will be very, very helpful at the end of the day.

It's not going to get past obstreperous people, the ones who say, "I don't care what you say; I'm disagreeing," and there are some of those in the world. We think we can nip them off quickly at the OMB. We don't think they'll get any intervenor funds.

I don't know how else to deal with it, except by trying to ensure that there's as much attempt to conciliate before a council decision as possible.

Mr Rizzo: May I suggest that maybe consideration should be given to use ratepayers' organizations, and only they can apply for intervenor funds.

Mr Rosario Marchese (Fort York): I have a number of points and concerns. The first one is connected to planning in aboriginal communities. I know that Mr Bradley made a comment about how difficult this will be, and I agree. I think it will raise some very interesting problems as we go on. Ontario has stated its position about acknowledging the inherent right of aboriginal people to govern themselves, and within that framework we're going to have to solve some of the questions that will be raised.

My question is, have you talked to people with the ministry of native affairs and/or the chiefs of Ontario, off reserve and on reserve, about this?

Mr Sewell: When it was clear to us that this was an issue we should be addressing, we convened a small group of people from the Ontario Native Affairs Secretariat and then some people from the federal government, some representatives of first nations and other interests. We sat down and said, "Hey, what shall we do?" We actually had a little draft and we had a chance to talk about that draft, and our proposals in here are a result of that. So they've been involved in developing it.

We have sent this out to all Indian and native organizations in Ontario. We haven't sent it out to every single first nation—or maybe we have. We sent it out to an awful lot of organizations, all the groups we could, saying, "What do you think of this?" In fact, when we went to Brantford, we convened a meeting in the Six Nations. Nobody showed up. We found that this is really low on their priority list. Their interests are really in the self-government field at the moment, we think, and one of the things we found is that they don't have the resources to look at all the paper that's coming through their mailbox. I mean, it really is true: People are consulting them about everything and they don't have that kind of structure.

But we've tried to do everything we can to talk to people, and the Metis association and all that. They were

involved in our group as well. I noticed that one of my staff had a letter from the chiefs yesterday. I didn't have a chance to ask her what it said; I don't get it for a day or two. We haven't had a lot of reaction, but we've certainly had no negative reaction. We think that's because this proposal was developed along with—

Mr Marchese: It could be, John. My suspicion is that there may be low interest now, but if there were developments that were connected to the aboriginal community, you'll have to deal with it.

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Mr Sewell: That's correct, particularly one where there's development activity going on.

Mr Marchese: Absolutely. It says here, "Municipalities and planning boards should be specifically authorized under the act to enter into agreements with aboriginal communities." What if there are no agreements? What if they do not reach an agreement, and aboriginal people say, "You can't go ahead without our agreement"?

Mr Sewell: That's true. You can't go ahead without their agreement.

Mr Marchese: And that's what would happen.

Mr Sewell: Exactly.

Mr Marchese: If there's no agreement, there's no development.

Mr Sewell: That's right. The problem we've got at the moment—and Six Nations, I think, is a good example of it, where the municipality wants to do something and the first nations say, "Wait a minute now; let's settle our land claim." The municipality says, "I can't settle the land claim." "Well," they say, "if we enter into an agreement and let you do this development, what happens to our land claim? Maybe it's going to be adversely affected."

So we've said that municipalities should be allowed to enter into agreements with first nations about development questions and it should be clear that those agreements have nothing to do with land claims, because they are settled somewhere else. That's the only way we think it can proceed.

We know that this has happened. The best place it's happened is North Bay, the first nations just outside North Bay, where Phil Fontaine was the chief; I think that's who it was. North Bay and that first nation have really done interesting things. They've extended services. So North Bay has extended the services into the first nation for, I think, water and sewage and some fire services. They did it some years ago, sort of, "Oh, we'll do this, isn't it nice?" Now it's on a full-cost basis.

One of the reasons for doing it was to permit an industrial plant processing furs to open up on first nation land. Of course, North Bay is delighted about that. That's an agreement that's been made, and I don't know what legal authority exists for it. That's the problem.

Nobody is saying there's a problem with it. But we think that should become the rule and that in fact having that ability on the part of municipalities would really start to improve relations considerably.

Mr Marchese: I hope that is the case. It will present some interesting difficulties as we go on, I have no doubt, but I'm glad you did the consultation, because I thought without it, it would be a problem.

Mr Sewell: I just think of the Niagara Escarpment thing, where there's a first nation that now wants to open a gravel dump on the Niagara Escarpment. Now what do we do? Right?

Mr Marchese: John, a quick question. Mr Chair, how much time do I have?

The Chair: You have time for a quick question.

Mr Marchese: A quick one. Then I'll avoid the other one and get to the intervenor funding. I'm a supporter of intervenor funding. I think what you have developed, however, in terms of what the panel should consider, are good possible restrictions on nuisance applications. That's what I was worried about in terms of people's ability to intervene. But I think what you've done is put good checks on that.

There are a number of things: The intervenor has demonstrated a concern for this issue at the municipal level. The intervenor has made reasonable efforts to raise funding from other sources. That's an interesting one that could raise some difficulties. The intervenor has attempted to join together with other objectors and so on.

So there is a whole list of checks and balances, I think, that will avoid nuisance objections. Presumably, if we're going to make this less adversarial—if it works, hopefully it will become so—then this, I think, is a useful way to deal with the nuisance intervenor. Do you agree with that?

Mr Sewell: Yes, we very much hope so, and we notice that there's a report on the interim intervenor funding act, which was recently released. Has it been publicly released? I don't know. We've seen something recently which seems to confirm this kind of approach.

Mr McLean: I have a supplementary on that, just very briefly. Who's going to determine the final say of approval?

Mr Sewell: For intervenor funding? The OMB would. They would establish a separate panel of people who would not be involved in the hearing of the case; they'd just hear this application for intervenor funding.

Mr John C. Cleary (Cornwall): I wanted to talk about intervenor funding too, but I guess we know now who will be making the decisions. But you say that once a municipality has served notice on the OMB, within 30 days there would be a hearing. You had said also that they could appoint someone other than an OMB member from the community to sit in and try to settle that dispute.

Mr Sewell: It wouldn't be a hearing; it would be a meeting, so it would be more informal than a hearing. You wouldn't be swearing witnesses or anything. You'd get the parties around the table and say, "What's this all about? Come on, how can we get you together on this? What is the fight all about?" and try to put those questions out.

Yes, we think that that hearing could be convened by someone from the community who's got good skills at bringing people together.

Mr Cleary: Would those people be appointed by the OMB to do that?

Mr Sewell: Yes.

Mr Cleary: Or for each individual case?

Mr Sewell: We haven't sorted out the administrative arrangements, but I expect that probably the OMB would have a panel of people. They'd say, "Hey, get so-and-so here. She knows how to deal with these things. Get her on this one and let's follow on this," and so forth. So in a community, they would have a roster of people, and they would probably pay a per diem or something like that and call them in.

We don't think all cases should be dealt with that way. We think the OMB members should be involved in this themselves. We believe that since this will so substantially shorten the cases, they'll have the time to do that. That's our hope, anyway. As I say, we've got to talk to the OMB about it.

Mr Cleary: Having been a municipal politician for many years, I understand what faces municipal councils with groups that form overnight. I am just concerned how that would be sorted out. Who would sort the group out to see if they're real or not? You had said earlier that that would be an OMB decision?

Mr Sewell: I think at this procedural meeting, the OMB would get together and hear the parties and have a meeting of all the parties. So if you got a whole bunch of objectors, they might have a bigger room and say, "Now, look, have you got two spokespeople?" and that sort of thing. They would sit down and hear what the case is in a very preliminary sort of way and say: "So this is the point that we disagree on. Is there any way we can try and settle this? We'll try and do that."

As we know, in some cases there isn't. We have to say, "No, this is a real disagreement about what should happen." In that case, the OMB is going to have to say: "Okay, we're going to have to have a hearing about this, but let's narrow the case down so that we aren't fighting about side issues. Let's make sure that both sides have exactly the information that the other one's going to file before the board so that there aren't any surprises; you know what's going to be expected." In fact, we think that at this kind of a situation, probably the person convening the meeting can say: "I don't think you've got a case. I think you'll find you're going to be in real trouble, and you should go away and think about whether there's some way of resolving this."

As we know, good mediators do that all the time, right? They're really good at pulling out the case. We think that people either on the board or used by the board can develop those kinds of skills. It will help everybody.

Mr Cleary: Okay, the next question I wanted to speak about is the areas of county government in the province. We're talking about land severances. We know that not all municipalities in the county system belong to the county system of land division committees.

Mr Sewell: Right. Some have their own.

Mr Cleary: Some of them have their own. What are you recommending there?

Mr Sewell: At the county level?

Mr Cleary: At the county level.

Mr Sewell: That's correct. We think only in certain situations should the lower tier be allowed to exercise severance powers.

Mr Cleary: And what would allow them? What certain circumstances?

Mr Sewell: We're saying they have to have a municipal plan and they have to have a qualified planner on staff full-time. We think too many severances have just been granted like that, and they end up costing a staggering amount of money.

The biggest story we hear is the school bus story, how there are too many rural roads right now where, because there are houses scattered everywhere, there are seven school buses. There's one for the primary public school and one for the secondary public school; there's one for the primary separate and for the secondary separate. That makes four. There's one for the French primary and one for the secondary French. That's six. Of course, the seventh one is for all the kids who've been too bad and have been kicked off the other ones and have to be driven around—

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The Chair: Are you blaming all of that on severances?

Mr Sewell: Pretty strong argument. That's one of the costs of having uncontrolled severances, and we've got to start controlling that. We found the information in one county in Ontario very scary, where the average amount of money collected on a per-household basis for education is \$850 a year. The cost of running the school bus on a per-household basis is \$700 a year, so almost all the money that's collected is spent on the school buses. This is crazy.

When we're talking about rural characteristics, we want people to look at those questions, that's all. We think that would happen best at the county level.

Mr Cleary: Another thing that I wanted to mention here is that in many areas in this province under county government there are estate residential developments. You've mentioned here that it would not be allowed in woodlots, and a lot of these estate residential are in woodlots. I'd like to know more about your views on that.

Mr Sewell: We believe that significant woodlots should be protected from development. We think the municipality should sit down and say: "Have we got any significant woodlots? What are they? Can we put a map on them?" And they should be protected.

We suggest in fact that there are a number of other natural features that should be protected from any development. The recent policy—of course, it's been years in the making—is the wetlands policy, saying in southern Ontario, no development in the class 1 to 3 wetlands, boom, period; that's the new rule. We found developers say, "Hey, we don't care what the rules are; just tell us what they are and we won't buy the land." So we feel the same way about woodlots, but we're going to have to wait to hear what the public says about that proposal.

Our general proposal about development in rural areas is found on page 27 of our report, where we say you can have development in non-agricultural rural areas—forgetting about quality agricultural—but that there are a number of things you should look at: You should look at protecting rural characteristics; you should look at cumulative impact; you should look at water and sewage treatment, as already mentioned; you should look at the costs of the development. We don't say anything about estate residential particularly. We're just saying: "Here are the criteria. If you can find development that fits in that, terrific."

Mr Cleary: I guess what I meant there was that no development—and it says "woodlots."

Mr Sewell: Right. In a woodlot, we're saying we think significant woodlots should be protected. If people say, "Wait a minute now; you can have development in woodlots that protects them," we'd be interested in hearing that idea. We're not sure it's true. We think that many estate residential developments are happening on the edges of woodlots, which is a different thing. We think that would be okay.

Mr Cleary: The next thing I want to talk a little bit about is prime agricultural land, where you have a number 1 farm operation on prime land and there's an underground water supply there that may supply towns downstream. There are all kinds of rumours around that that farm operation is going to be restricted, what he can do on X number of acres or X number of acres wide. Have you dealt with that?

Mr Sewell: No, we haven't. We haven't dealt in any way with the effects of farming. We understand it's a big issue, but it's not one we've gotten into. We heard the story of somebody who's got the hog farm with 30,000 hogs; of course, the amount of sewage produced there is mammoth.

Mr Cleary: If the severances are cut down in the rural area and that water supply has to supply the village or town or something and this farm operation or these farm operations have to be limited, would you recommend in your report that intervenor funding could apply?

Mr Sewell: If it's a planning matter and there's a public interest—and that might be a public interest—sure. But we don't deal with the question of limiting agricultural uses or the effects they have on the natural environment.

Mr Cleary: In the December copy of *Municipal World* there was quite an article on that underground water.

Mr Sewell: I'll try to look at it.

Mr Cleary: It's a big issue in a number of areas in this province.

Mr Sewell: There's no question about that. It's a very significant issue.

Mr Cleary: I think those agricultural people have got to have some protection some way.

Mr Sewell: Sure. As we know, there are some areas—Simcoe county is an example—where they're running out of water. It's been really bad planning.

Mr Cleary: Not only in Simcoe; there are other areas as well.

Mr Sewell: There are other areas as well, and we're aware of the situation in Waterloo where underground water is contaminated—very worrisome. We've got to plan so that hardly ever happens, because the cost of fixing it up is horrendous.

The example I use is Toronto residences. Look at the cost of fixing the Don River now that we've wrecked it. We can't afford to fix it. We've got to make sure we plan so that we don't create those problems any more. We find them everywhere. We've found a number of communities on septic tanks where the water's polluted and the province has had to go in there and put in sewage systems or water systems, and the cost is horrendous. Down near London the cost is \$45,000 a house, and up in Sudbury, \$155,000. We can't afford that cost, so we're trying to create a planning system that tries to ensure that we don't have to bear those costs in future. That means we've got to look very carefully at protecting underground water supplies.

Mr Bradley: I'd like to go to something that was called project X, which you would be familiar with. Project X was an allegation that was made that under the previous government, the Ministry of Municipal Affairs and Housing and treasury—I always thought the treasury department was behind it all—were attempting to wrest from the Ministry of the Environment as many approvals as possible and as many other powers as possible so we'd have some kind of central planning. There was a great hullabaloo about that. My contention is that that's exactly what's happened, and all the environmentalists and aggressive environmental reporters have gone to sleep, or worse.

Do you believe that if you wrest these powers from the Ministry of the Environment, the only ministry which will bloody well defend against all these things, and stick them in Municipal Affairs, that in the future, at least—if not under a government that purports to care about avoiding these problems; any future government—you're going to hand over to the developers in this province the opportunity to simply develop the whole province?

Mr Sewell: I can't speak in any detail about project X. I was aware of it at the time in terms of the reaction, but I haven't made a comparison between—

Mr Bradley: It got stopped in its tracks—

Mr Sewell: I'm aware of that.

Mr Bradley: —and it's happening now.

Mr Sewell: I can't make a comparison between what it says and what we say, but our proposal's pretty simple. We think ministries, including the Ministry of the Environment, should have clear policy that is stated, that municipal planning decisions should be made consistent with those policies. We think that's only reasonable. We think that ministries should have clear standards that have to be met; the world should know what they are, so there's as little delay and uncertainty as possible in terms of dealing with various ministries. They are the proposals we've made.

Mr Bradley: You'll pay an awful penalty, in my view, for efficiency in terms of what people will steamroller over.

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I like the way you've set out plans. I must say, your commission report has laid the groundwork for avoiding some of these. That's very important. I still have a concern that this is going to happen.

It leads me into the sewer and water corporation, which the government will announce in the next budget, for various reasons; again a proposal of the previous government. I remember that the present Minister of the Environment expressed a very grave concern—I thought wisely—about the establishment of a sewer and water corporation. Do you see the sewer and water corporation as again simply being a tool for government, largely the creation and mindset of the ministry of treasury in the Ontario government, and that as a result of the sewer and water corporation you're simply going to see all kinds of development that may be unwise for the province of Ontario? Because that, in my view, is going to be the job of the sewer and water corporation: You take it away from the Ministry of the Environment and you stick it in the sewer and water corporation, and it puts the trunk sewers in and then everything's developed.

Mr Sewell: I have no comment on that. I simply don't know what's happening about those things. I'm afraid our nose has been too close to this grindstone.

Mr Bradley: Well, if we don't have you, who's ever going to save us from this?

Mr Sewell: That's always been my view of the world too.

Mr Bradley: Apparently, the government is not going to save them. Government members, perhaps internally, are doing it. I shouldn't be unfair to them: They are probably expressing these concerns. But you're the guru in this field, whether you like it or not; a lot of people who have this point of view look to you to save this, and if you don't express views on that, certainly Martin Mittelstaedt is not going to.

Mr Sewell: One of the things we've tried to say to people is that these proposals call for a number of changes and the acceptance of new roles by a whole bunch of different actors. One of the things we have to watch out for are the dragons, and various people have various dragons they see leaping out of these pages. For some provincial civil servants, their dragon is municipal planners and municipal councils: They don't trust municipalities to do anything right, ever. You agree with that.

Our argument is that that's a dragon; it's an interesting animal, but it might not be reality, though. Because of course the municipal politicians say that what you've got to watch out for is the province: "The policy will be so complicated—sure, it'll start out simple, but give them a year, and it'll be so complicated we'll be tied up in knots." We've been saying that's a dragon too.

Some developers have said: "You're letting the environmentalists walk away with the world here." Just look at all these statements. We've been saying that's a dragon too, just as some environmentalists have been saying, "Oh, you've handed it all over to the developers."

We think this is a fair balance of interests, and we think the dragons are interesting, but I'm not sure they're real. If, in fact, there is something here that weakens the concerns of the natural environment, we'd like to hear about it. We think there's a considerable strengthening by being really clear about where development can happen and where it can't, and trying to ensure that criteria for the standards are as clear as they can be.

Mr Bradley: I understand what you're doing, and again I commend you for many of the changes you're recommending, because they will solve certain problems. I will go back to the fact that I believe the best interests of the environment can be protected by only one ministry: the Ministry of the Environment. I spent five years, three months and four days sharpening the elbows of the Ministry of the Environment so that at long last, within the government structure, the Ministry of the Environment would have some clout.

What I see happening—and in fairness, you've put some safeguards. I didn't do it for myself, because I was obviously not going to be there for ever; I did it for the future. Now I see Municipal Affairs and I see the big hand of Treasury in everything, of course; that cell within treasury that is out to debunk and emasculate—if we can still use that word—the Ministry of the Environment. I see that happening. As I say, your safeguards are there, but I hope—I'll ask you to comment on this—that you will go back and re-examine the role of the Ministry of the Environment and put back in the hands of the Ministry of the Environment, through your recommendations, more of the powers than I see here, because I think Municipal Affairs can't be trusted, and treasury certainly can't be trusted, to protect the land of Ontario.

Interjection: It's a personal point of view.

Mr Bradley: A personal point of view.

Mr Sewell: I would be interested in specific suggestions on that. I'd be delighted to get some, because I don't think we've removed anything from MOE here. But you have a great deal of experience in that, and if you have some specific ideas, we'd be very interested.

Mr Bradley: These are my personal views.

Mr Sewell: I realize that, and I wasn't after a party position. I'm saying we would very much appreciate it, because we recognize you have a lot of knowledge in this field; no question about that.

Mr McLean: Mr Cleary asked some of the questions I wanted to deal with in regard to the lot creation, subdivision and consent. I want to make it clear, though. It says, "Whether at the upper- or lower-tier level, decisions about lot creation could be made by council or delegated to a committee appointed by council or to a qualified planner on staff." I understand there has to be a qualified planner on staff. But the lower tier's policies have to conform with the upper tier.

Mr Sewell: That's correct.

Mr McLean: What is the point in having a lower-tier plan? Why don't we just have the one tier?

Mr Sewell: We think that in some situations there will only be a one-tier plan. As an example, in Oxford county there are only upper-tier plans; it's only done at the county level. It seems to work very, very well. I think Oxford's a bit strange, actually, in that regard, because it seems to work so well there in terms of planning.

But there are many other situations where you really need a more detailed plan. Take the case of Metro Toronto, where you have the region, Metro Toronto, but then you have these six municipalities. To think that North York, Scarborough or Toronto could develop with just the general Metro plan, I think—no. You need a lower-tier plan. We think there will be many situations where lower tiers will want to have good, strong plans, because they've got a lot more detail they want to chunk in. Take Port Hope as an example. They might say, "We want to have a really strong plan to protect the integrity of our main street and the way it's working," so they have a plan worked out.

Mr McLean: I'd like you to expand on this: "Private sewage and waterworks systems, including onsite systems, are owned, operated and managed privately and used by five or fewer properties or units." Are you saying that for anything under five units you've got to have the complete system?

Mr Sewell: No. We're saying that if you've got more than five units, if you're putting in more than five units, you really should be looking at a communal system, where all five are on one kind of system. Environmentally, it's much better. We think from a cost point of view it's much better as well. We're suggesting that that could be privately owned, with appropriate guarantees back to the municipalities in case of breakdown and so forth.

Mr McLean: Have you been looking at piped water from Georgian Bay to Toronto or that aspect of service being provided? I don't suppose you looked at that.

Mr Sewell: No, that's one of those location-specific things. I've read about it in the paper, but that's all.

Mr McLean: The other thing I wanted to mention was with regard to sewage. We have the SOS study, Save Our Simcoe, around Lake Simcoe. My opinion is that septic tanks in cottage country is where our greatest amount of pollution is coming from.

Mr Sewell: Hear, hear. You're correct.

Mr McLean: It's the old septic tanks that have been there for years. And here we are holding up additions to schools in rural Ontario, where it's been all approved, and the local municipalities are proceeding with new homes on these lots. What's happening there?

Mr Sewell: MOE has been doing some studies about septs in cottage country, and what it found generally is that two thirds of the systems have failed. I believe that's something we have to get on to right away and we have to be requiring in systems that have failed that we put in systems that work, whether that's a new septic or, as I say, perhaps a new composting toilet.

Mr McLean: Are you making any recommendations in here on that?

Mr Sewell: We're suggesting that septs have to be inspected regularly and that municipalities should have the right to close down ones that aren't working, and we're suggesting that septs should also be pumped out on a regular basis. We aren't quite sure what "regular" means; it depends on the circumstances. We think we'll get much better monitoring of septs, and that will, in my opinion, substantially improve lake quality. We're into this position now of doing extremely expensive studies on the carrying capacity of lakes. Usually it's, "How much more pollution can they really take?" If we get into regular inspection of septs and ensuring they work, I don't think we're going to have to worry about carrying capacity of lakes any more.

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Mr McLean: You haven't looked, of course, at Holland Marsh. I've always indicated that one of the problems with Lake Simcoe is the Holland Marsh, the amount of fertilizer that's being used. I was on a committee 20 years ago when we looked at the phosphorus in Lake Simcoe and recommended that there be a dam and a filtration system there. The other aspect was the sewage and the cottages, and that's where our phosphorous problem is. We've done enough studies, but nobody's doing anything to rectify it.

Mr Sewell: We think this will provide the basis for dealing with the cottages. We have not dealt with the question of the environmental effects of agricultural uses, as I'd indicated to Mr Cleary. It's not a question we've dealt with.

Mr McLean: Have you looked at the aggregate situation, with regard to gravel pits and that type of thing? You had one policy in here with regard to mineral aggregate, but I'm not so sure there are any proposals there.

Mr Sewell: There are a few proposals. The government has advised us—and that's the letter on the very last page of the report—that it does not intend changing the four existing policies. One of them has to do with aggregates. So we've sort of laid off the four existing policies, but we have suggested that there are some problems in aggregates that haven't got to do with policy but probably have to do with management. In fact, we spend most of page 84 talking about that.

We've suggested that there are three problems. One is the extent to which some of the aggregate policies interfere with other policies, and we think there might be some priority given to where aggregates are extracted, so you don't start by extracting them out of wetlands or woodlots. Secondly, there are some management problems at the municipal level: Municipalities complain to us that the royalties they get are very low; 6 cents out of \$100 or something, the delivered cost per tonne or something.

Mr McLean: It's more than they used to get, anyway.

Mr Sewell: Anyway, it's very low. There are also some questions about the amount of dust and those kinds of things, which we think have to be dealt with. And the third problem is wayside pits, which sometimes don't work the way one thinks. We're suggesting a special committee should be set up, and MNR has some problems with that.

Mr McLean: I want to just finalize my questions on the topic I pretty near started out with: the MOE and the approvals of the additions to schools. I don't know what you're going to do with regard to the final report, but I do find it unacceptable that a ministry would recommend there would have to be 150 acres to put an addition. I would think they should be able to put an addition subject to meeting all the criteria and approvals of the Ministry of the Environment.

Mr Sewell: I don't understand. You mean they're really saying 150 acres?

Mr McLean: That's what they're saying, and there's something wrong.

Mr Sewell: I don't understand that.

Mr McLean: Nobody else does either. I know what the problem is in rural Ontario, and it's a disaster.

Mr Sewell: I think one of the salutary effects of our exercise is that a number of ministries have now put out what their policies actually are in certain areas. Of course, that's caused some debate, but at least they're in writing, which is allowing us to clarify exactly what's going on. So the more policies we can get out like this, the more we can look at them and say, "Hey, what are we trying to accomplish here?" If the purpose is trying to ensure that sewage is dealt with well, let's address that. I mean, it might not be an acreage problem. I simply don't have enough information on that.

Mr McLean: Mr Murdoch probably has some questions.

Mr Sewell: He usually does. He has statements too.

The Chair: You've got about 10 minutes.

Mr Bill Murdoch (Grey): Ten minutes? That's more than I got on the radio, isn't it, John?

You know what I think of the report, so we won't need to go into that. The first thing I'll clear up, though, is that I don't think you'd even be doing this report if the Ministry of the Environment hadn't got involved with Municipal Affairs. I disagree boldly with Jim Bradley that you should be giving the Ministry of the Environment more of the control. I think Municipal Affairs can handle it regardless of what government's in power. I think that's where the whole problem started, when Mr Bradley was Minister of the Environment and tried to take over the Ministry of Municipal Affairs. They got into the arguing and fighting over it and then we get into all these problems, and the present government picked up on all this and ended up with the problems. I think they could have handled it quite easily. I think Mr Cooke could have done without creating the commission he did.

Mr Bradley: The reaction to all those severances.

Mr Murdoch: Jim, you had your turn. If you want five minutes, I can give you some.

Anyway, I don't think they needed to do the commission at all. I think Municipal Affairs could have handled its problems too, but it didn't, so they put you in charge.

The thing I find offensive in here, and I think you're going to find it from municipalities, is that you're letting on to them that they're going to get control back, but

they're really not, because the government's going to set all the control down, and all the municipalities are going to do is the dirty work for the government. If I'd seen somewhere in there that you believed in flexibility of some of the government policies, then I might be able to go along with it. But all I see coming out of the Sewell commission is that the government's going to lay down the rules and the municipalities are going to do the dirty work.

I don't think they're going to fall for it. When you go back out on your road trip very soon, I think you're going to find that. You're going to hear from the municipalities, "Hey, we're not going to do the dirty work." They already tried to force it on the municipalities; not all municipalities, but a lot of them, all the ones that were stuck with the Niagara Escarpment. They said: "Here's the rules. You enforce them."

Sure, fine, I can see guidelines coming out of Toronto, but there's got to be flexibility, because they just don't work all over the province. It's so different: Southern Ontario is so different from northern Ontario; our region is so much different from, say, Essex county, and things like that. I don't see anywhere where you recognize that, and I think you're going to have to start doing that if you ever want to sell any of this to the municipalities in Ontario. I just wonder if you'd like to comment.

Mr Sewell: I agree it would be possible to have very flexible policy that could mean one thing in one part of the province and another thing in another part of the province. I'm not sure that would do anybody any good. If we're going to have policy that doesn't mean anything, then I don't think it's worth having it. I think it's really important that the province states very clearly what its interest is so that everybody understands exactly what that means and then tries to see how they can implement that on a local basis.

I would argue that the policy that's laid down here is policy that most good planners don't have any problem with whatsoever, in any part of the province. There are a couple of points that people have questions about: the medium-density question and compact form is one example, but that's about it. Most people think these are reasonable statements of how planning should work in Ontario.

Mr Murdoch: Who do you mean by "most people," though? You're talking about planners.

Mr Sewell: Most planners, that's right; most people who have to work with planning policies.

Mr Murdoch: I guess we could talk about planners, but I only have 10 minutes, so I haven't got all day to tell you what I think of some planners. Some of them are okay, but they certainly aren't all okay. A lot of them, I believe, aren't taught properly when they go to school. They're taught to say no to everything, and that seems to be what they do.

Mr Bradley: They'd soon get fired in Grey county.

Mr Murdoch: That's right. Good, Jim. I'm glad to hear that.

So I disagree with you there. If you're going to say what the province feels, that's fine: that you shouldn't develop on number 1 farm land is a fair statement. But if number 1 farm land in our area happens to be covered in

stones and thorn trees and down in Middlesex maybe it isn't, you've got to look at the diversity between the two counties. If you said that, that we'd look locally, that's what I'm talking about: flexibility. But I don't see that in here. We've run into this problem for a long time.

Mr Sewell: We're trying to provide a basis where there's stated government policy so you know what it is. Often, that's not the case at the moment. And if there are disputes, the disputes get resolved by an independent body, which is also a major difference.

So there are two major differences from the position we're in now: one, that there would be stated government policy so you can see what it is. We're quite willing to say: "Well, this is the policy. It should be something else." That's fine, but we don't think it should be elastic policy: It should mean something, and the same thing to everyone.

The second thing is that if you get rid of provincial approvals, then you're in a position where if there is a dispute about how you interpret the implementation of a policy, you get an independent hearing. You don't have to be in a position where the province makes the final decision. In other words, we're trying to get away from the position where the government ministry is acting like a judge and a jury when the municipality doesn't know what the rules are. If there's any easier way of clearing that up, I'd like to know what it is, but I don't believe you can have a position that says we're going to have policy that doesn't mean anything. That doesn't make any sense.

Mr Murdoch: No, nobody has said that either.

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Mr Sewell: So assuming we have policy that does mean something—and as I say, if these aren't the words, let's have some other ones—then I don't know what kind of better system you could ask for. You have policy that means something, and the municipality is then in a position where it says: "This is the policy in Ontario. We're going to have to interpret this locally to figure out how it implements, and if people don't like the way we do it, there's an independent body they can go to to resolve any dispute." If there's a better system, I'd like to know what it is.

Mr Murdoch: It depends on the independent body too, who that happens to be. If it's going to be full of all the minority groups and stuff like that—

Mr Sewell: If you have a better suggestion than the Ontario Municipal Board, we'd be very interested in hearing what it would be.

Mr Murdoch: I think you might be able to work with it if there are some changes there.

Mr Sewell: I know that's the purpose of this committee, and we've suggested what those changes might be.

Mr Murdoch: Just a quick question: I noticed in here that there was a spot—and I did talk about that one on the radio—where in the future, you want to see all development geared to areas where there would be no vehicle traffic.

Mr Sewell: I don't know where that statement comes from. What we've suggested, and I'd just like to clarify, is two policies. The first one is on page 29: "Patterns of land

use and development will be planned and modified to reduce the need for private automobile use in daily life." We think that's really important, that the more we can make our communities amenable to existence without the need for private automobile use in daily life, the better it will be. There are a couple of really simple things you can do there. One is by having corner stores so people don't have to drive long distances to do it; that's one way. Another is having road systems that are amenable to public transit, so at least there's an opportunity to use some road systems there.

The second policy, we say, is that in new urban areas, transportation systems will be designed to give priority to energy-efficient, low-polluting travel, including priority to walking, bicycling and public transit. We know that in the design of many new urban areas now, that's not the case, where you really can't walk on most of the roads; they weren't made for walking. We're suggesting we should be changing those. If people think they're a problem, we're delighted. If people say, "No, we should be increasing automobile use"—I don't think there's a public will for that at the moment.

Mr Murdoch: That's nice to say on paper, but what about all of rural Ontario? Those policies will work nice down here in Toronto, if you're going to expand Toronto. What have we got that's coming outside of Toronto?

Mr Sewell: The second policy is only in new urban areas. But in terms of the other one—

Mr Murdoch: Well, you can't have a corner store either, unfortunately. It would be nice if we could.

Mr Sewell: Of course not, and we aren't suggesting that people do unreasonable things. Where the opportunities arise—

Mr Murdoch: But what that does is that to rural people, it looks like there's going to be no development in the rural areas. It's all going to be stuck into places like Hamilton, Toronto and the urban centres. If that's the case, I think you should just come out and say, "Hey, rural Ontario's not going to be developed any more."

Mr Sewell: We don't believe that, which is why we didn't say it. If you can find the offensive words in policy 3, and if we should reword it to make it perfectly clear, we're delighted to do that. This is a draft report, so we want people to make change. But that policy only applies to urban areas. It doesn't apply to anywhere else.

Mr Murdoch: If you can explain that, you'll have a better chance, because that's where some of the hard feelings are.

Mr Sewell: I think the words are pretty clear. But if they aren't, the point is well taken.

Mr Murdoch: I'm just telling you what I hear, and that's what you want to hear, I think.

Mr Sewell: Thank you.

The Chair: Mr Marchese, did you want a quick question?

Mr Marchese: Sure, one. Is that all the time we have?

The Chair: We're cutting off at noon.

Mr Marchese: There's a question of the inter-ministerial planning committee. I'm trying to find it.

Mr Sewell: It's on page 35.

Mr Marchese: One of the things you recommend is that Municipal Affairs, Environment, Natural Resources, Housing, Agriculture and Food, Transportation and treasury be part of that. One of the ministries that I think is often overlooked in terms of how it connects to all of this is the Ministry of Culture and Communications. They're the ones who deal with museums and archives, of course, but they deal with heritage, both tangible and intangible heritage. It would seem to me that they would have a strong interest, particularly the people interested in the whole field of cultural heritage, and they might want to be a part of this. Is there a rationale for not thinking about them?

Mr Sewell: Yes. We suggest that if the interministerial planning committee is going to work, it's going to have to be relatively small. Six or seven ministries we think is a reasonable number. Therefore, we had to figure out who had the most frequent interest. We think that other ministries could be called in as required, and we suggest that Culture and Communications is one of them.

We don't have any objection if people want to expand the IPC. That doesn't bother us. We have real problems both about the provincial planning advisory committee and the interministerial planning committee. The first is a citizen group arrangement with appointment by the minister; the other is the deputy group. Both of them are going to depend very much on the personnel on those committees to work well. If they get the wrong personnel, they aren't going to work at all, and that's a problem. We were trying to be as loose and as flexible as we could about how IPC actually works, but if it wants to have another ministry, that's perfectly okay.

The problem is trying to create a link between the three interests that are there: the cabinet, the public, the bureaucracy. We think there's a gulf right now between those three. There might also be a gulf between the cabinet and the House; that's a different question. But we were trying very much to address that kind of gulf and see how we could patch it over.

Some people have suggested that the provincial planning advisory committee might not be strong enough and that it should be a Premier's committee. We had originally suggested a standing committee to do this, but when we went and talked to all three parties individually, they said: "A standing committee? You've got to be kidding."

Mr Marchese: I appreciate what you're saying. I still believe that Culture and Communications can play a very important role as it relates to heritage. The great number of people who are involved in the field of heritage are many, and one should not lose sight of that. That's all. You might want to think that through again.

Mr Sewell: We will think it through. I've made a note of it.

Mr Marchese: My other question has to do with what it is that you think should move away from the jurisdiction of the Ministry of the Environment and into the Planning Act, because it wasn't entirely clear what shift, if any, will

happen. There might be some minor shift. What is it exactly that might go from one to the other?

Mr Sewell: My reason for making the comment to him is that I wasn't quite clear. I don't think there are any functions that are being shifted from the Ministry of the Environment to the Ministry of Municipal Affairs. There's no question that we're saying that generally, approval powers on planning questions should not be in the hands of the government, period—any ministry. I guess there's something that would go from MOE on that one, but it would go from all other ministries as well. I didn't see us making any shift, but I might have missed something, and that's why I asked Mr Bradley, if there was something, if he could—

Mr Bradley: To clarify, page 9 on our notes under "Municipal Infrastructure" says, "The commission recommends that the review of municipal infrastructure projects be moved into a class environmental process under the Planning Act, instead of under the Environmental Assessment Act."

Mr Sewell: But the parent document for that class assessment is prepared by MOE. That remains. So I'm not sure—

Mr Bradley: It's much easier, I can assure you, to get through a class environmental assessment under the Planning Act than it is to seriously examine the ramifications of a development under the Environmental Assessment Act. I know they don't like the Environmental Assessment Act. I know they don't like it, but—

Mr Marchese: Jim, you go right ahead with the supplementary.

Mr Sewell: Hold on a second. If I could explain—

Mr Bradley: But 25 years later, they're damned sorry they went to that.

The Chair: Let Mr Sewell respond, and then that's it.

Mr Sewell: What happens right now is that there is a class environmental assessment run under the Environmental Assessment Act. It applies to an ill-defined class of infrastructure projects. In fact, we haven't defined what a class is, but generally it's meant to be road widenings, road extensions, pipes that are being put in the ground, all of a relatively limited scope. The Ministry of the Environment, under the Environmental Assessment Act, prepares a document that says, "If you're doing one of these road widenings, here are all the matters you should be looking at." So the municipal engineer does what's called a self-assessment. He looks at the parent document which says, "Here's what you should be looking at," and goes through the project that the municipality wants to do to make sure that all the criteria have been fulfilled. On the basis of that, he then goes for approval; in fact, you have to have a hearing or notice and so forth. So it's a self-assessment process that happens right now, with the Ministry of the Environment preparing the document against which you assess a project.

There are a number of problems with it as it's now structured. One of them is that the class of projects that can be processed this way is very unclear; nobody knows what

kind of project can go through this self-assessment. So we found some municipalities that are taking very large projects through this self-assessment process. The most interesting example at the moment is the Ashbridges Bay sewage treatment plant in Toronto, a \$300-million improvement, where the Ministry of the Environment said, "Yes, that's okay." They've actually allowed that one to go through under the class process. That is a problem for a lot of people, and they think that what we should be doing is defining "class" in a much better way. We should actually say what a class of projects is. We're proposing to do that.

The second problem is that if you disagree with whether the project can be assessed under this class process, or if you disagree with the assessment that's actually done, then what you do is that you go to the minister and say, "We'd like to bump this up from a class process to a full environmental assessment under the Environmental Assessment Act." So you make a request of the minister to treat this in a different fashion.

Of course, the minister then has to figure out what to do. The minister has often taken a long time making a decision on that. We thought that's crazy. We should regularize that kind of appeal, and instead of leaving it to the discretion of the minister, we should make it an automatic right of appeal. If you don't think this fits within the definition of class, if you don't think the assessment has been a fair one, we think you should have an automatic right of appeal to the OMB with this 30-day procedural hearing coming into effect.

Instead of this request being made to the minister to bump up, and it sits there for a long time, and the minister's not quite clear how to deal with it, and it turns into a big political problem, we think we should regularize it like any other planning matter, which indeed we think it is.

So there are the two changes that we've suggested: Define the class so it's clear what can be processed and what can't; second, pull this into the Planning Act so that the rights of appeal are perfectly clear and reasonable, and so what could be mostly a technical matter doesn't turn into a horrendous political problem for anybody. There are the two changes.

Now, we still believe that this parent document against which projects will be assessed should be prepared by the Ministry of the Environment under the Environmental Assessment Act itself, so that when you're wondering how projects are assessed, you'll know they've been assessed according to a document that's prepared under a good public process.

We think they're both improvements. They strengthen attention to the environment, not weaken it. They strengthen it.

Mr McLean: How many years will it take to draft that?

The Chair: You're not responding to that. This could go on for ever, Mr Sewell. You've extended an invitation to Mr Bradley to sit down with you as a private member. I'm sure you'd be more than willing to do that for any other member—

Mr Sewell: We'd be more than delighted.

The Chair: —and listen to their views with respect to your final report. I want to thank you on behalf of the committee for taking time out of a very busy schedule to be here; most informative.

Mr Sewell: Thank you. I appreciate being given the opportunity of appearing.

The Chair: Before we adjourn, I want first to ask members if they feel there's any necessity to reconvene this afternoon. We don't have any witnesses scheduled to appear. In terms of deliberations, we do have on our schedule for tomorrow a review of the draft reports. Our researcher advises me that he should have the OMB draft ready for tomorrow as well?

Mr David Pond: You should already have a copy. I think the clerk distributed all of our draft reports. The only thing that's happened, obviously, since you saw the most recent draft report is that we've had Mr Martin and now Mr Sewell come in. What I can do is very quickly prepare a memo which lists all the committee's recommendations as already tentatively approved, with Mr Martin's and Mr Sewell's comments underneath, so you have a feel for what's happened at our last two meetings devoted to the OMB.

The Chair: Is that fine?

I just want to remind members to take a look at the agenda for tomorrow as well, if we're not meeting this afternoon, with regard to the review of the drafts and the direction to David in respect to drafts for Science North and the Central Lake Ontario Conservation Authority. You can put your mind to those matters in terms of having some recommendations ready for David. I know some of the members who are substitutes here did not participate in those hearings, but those who did hopefully will have some recommendations for David tomorrow. Of course, the afternoon is going to be devoted to appointments review.

That's it. Any questions, comments? We'll adjourn and reconvene tomorrow morning.

The committee adjourned at 1206.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
- Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
- Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaître, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
- Stockwell, Chris (Etobicoke West/-Ouest PC)
- Waters, Daniel (Muskoka-Georgian Bay ND)
- Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present/ Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Mr Ferguson
Drainville, Dennis (Victoria-Haliburton ND) for Ms Carter
Mills, Gordon (Durham East/-Est ND) for Mr Waters
Murdoch, Bill (Grey PC) for Mr Stockwell
Rizzo, Tony (Oakwood ND) for Mr Wiseman

Clerk pro tem / Greffière par intérim: Manikel, Tannis

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intersession, 35th Parliament

Official Report of Debates (Hansard)

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Standing committee on government agencies

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Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 3 February 1993

The committee met at 1011 in committee room 2.

DRAFT REPORTS

The Chair (Mr Robert W. Runciman): Are we all set to get under way? We'll call the meeting to order.

The first matter on the agenda this morning is the review of draft reports, and I'll ask researcher David to take us through this.

Mr David Pond: You should have in your packages the revised draft report on the Liquor Licence Board of Ontario and the draft report on the Ontario Board of Parole, and the most recent item you should have in front of you, which I distributed this morning, was a short memo that I suggested yesterday I do: a summary of the testimony of Dale Martin and the Sewell commission where it was relevant to the recommendations in the committee's draft report on the OMB.

If nobody objects, I'll start with the one I have on top, which is the revised draft report on the liquor licence board. The only change to the draft report which the committee suggested at the last meeting, which was before Christmas, is indicated in shaded ink on the bottom of page 15 and the top of page 16, which deals with a recommendation Mr Rizzo proposed and the committee formally approved by motion: that applicants for a liquor licence should first have to apply to the local municipal council and that they would have a right of appeal from the local municipal council to the board; that would require a change to the governing statute. That's the only change to the draft report in the LLBO.

The Chair: Any questions on that?

Mr Pond: There are a couple of other items I have to mention.

On page 12, one of the previously approved recommendations of the committee, recommendation 3: "The government should strive to develop new rules and standards which would eliminate sexism in advertising. In so doing it should draw on the expertise and experience of the LLBO."

It's my information that this recommendation has already been implemented by the government in that the LLBO, at the request of the minister, has drawn up draft regulations which have been circulated to the industry for comment. The industry's comments are supposed to be back in with the ministry by March, I believe, and at that point the ministry will take over and draft new regulations. In effect, recommendation 3 has been implemented by the government, so we can do one of two things: eliminate that completely, or just make a note to the effect that the government has moved ahead on this issue and the committee applauds the initiative and we will await the final results.

Mr Rosario Marchese (Fort York): I recommend the latter, Mr Chair.

The Chair: Any difference of opinion? It's accepted.

Mr Pond: The only other matter with regard to the LLBO, as I note here on the covering page, is that at the last meeting, after the committee had gone through the draft report, Mr Stockwell asked for some information on how the issue of sexism in liquor advertising was tackled in other jurisdictions. As I indicated on the covering page here at the bottom of the page, a lot of other jurisdictions have tackled this issue. Most of those jurisdictions which have tackled the issue simply eliminate advertising in toto—they just get rid of the advertising—and a small number of jurisdictions have voluntary codes of ethics. That's just for the record. He's not here today, but he asked that we look that up before we formally dispose of this report.

The Chair: Anything else? Move on, then.

Mr Pond: The draft report on the Ontario Board of Parole: Again, this was considered at the committee's meeting of November 25. The only change is indicated once again in shaded ink on page 18. This was a recommendation by Mr Runciman with regard to the release into the community of offenders on temporary absence passes. If you recall, the committee suggested recommendation 6 and 7.

Recommendation 6: "The Ministry of Correctional Services should consider introducing a policy whereby victims who so wish are informed when offenders are released into the community on temporary absence passes, especially in sexual assault cases."

After the committee discussed that draft recommendation, I believe Mr Waters pointed out that it would require another recommendation to implement it, namely recommendation 7: "The Ministry of the Attorney General should ensure that information on offenders and their victims is readily shared with the Ministry of Correctional Services so that the latter can implement a proactive victims' rights policy."

According to Mr Waters, there was a lack of communication or sharing of information between the respective ministries. In order to implement recommendation 6, the committee was going to have to direct the Attorney General ministry to share its information about offenders and their disposition with the Correctional Services bureaucracy.

Mr Allan K. McLean (Simcoe East): Agreed.

The Chair: Anything else on that, David?

Mr Pond: No. As I mentioned at the outset, I have prepared for you a brief memo on the Ontario Municipal Board. I don't know if you want to address that at this time, since this is sort of a late addition to the agenda. It wasn't something you were warned about last week when the agenda was set up. Nevertheless, you should have in front of you a very brief memo indicating where Mr Martin, in his testimony before the committee on the OMB, and where the Sewell commission in its report

touch on the recommendations in the committee's draft report on the OMB.

If you recall, I guess it was early last December, the committee decided that before it would finalize its report on the OMB, it would get the views of Mr Martin, and the Sewell commission in the form of Mr Sewell, and then come back to the draft report. In any case, what you have before you is simply the eight recommendations in the draft report which have already been approved by the committee, and underneath it a brief summary of where the two witnesses we've had stand on those recommendations. I can take you through this if you like.

The Chair: Let's do that.

Mr Pond: Draft recommendation 1: "The Attorney General should consider removing assessment and minor variance appeals from the jurisdiction of the OMB."

In other words, the intent here is that one way for the government to address the backlog problem for the OMB is to reduce the OMB's jurisdiction. Mr Martin, if you recall, in his testimony before the committee said, "Yes, that's probably a good idea." The Sewell commission, however, most definitively said, "We don't think the jurisdiction of the OMB should be altered; there are other ways of addressing the backlog problem," some of which Mr Sewell indicated when he was here yesterday.

Mr Bernard Grandmaître (Ottawa East): But at the same time, John Sewell mentioned yesterday that we shouldn't increase the number of members of the OMB, yet when you look at the assessment situation in the province of Ontario, Ottawa-Carleton, also Metro, which has turned down MVA, they're going to be overworked with appeals and it's going to create a backlog. I'm very concerned that if we don't separate assessment from the OMB, these people will be overworked and that will create a backlog.

The Chair: Mr Marchese?

Mr Marchese: I don't remember; I may have been talking to somebody else during the moment Mr Sewell spoke on that. But if we're going to have provincial policy guidelines in the area of planning, why couldn't we remove assessment and minor variance, given that they will be able to have this grand scheme of guidelines with which municipalities would have to abide? It would seem to me that it would conform with this recommendation based on that. Did I hear anything different?

Mr Pond: No, you're quite right. Mr Sewell indicated, and the report certainly indicates, that if the government adopted the package of recommendations—you mentioned one. Another one, to be fair, is the adoption of alternative dispute recommendation techniques at levels before you get to the OMB. His argument is that you will essentially reduce the backlog that way and you don't need to alter the jurisdiction of the OMB.

Mr Marchese: David, I'm not arguing with you, obviously, but rather with whether or not we should do this. Even though you might have an alternative dispute mechanism, you'll still need that mechanism to deal with so many other issues and not necessarily with just minor variance or assessment. We could still proceed with that recommendation, let us say, and still keep in place what

Mr Sewell was saying with the dispute mechanism to do so many other things.

The Chair: What you're saying is that you still support our original recommendations?

Mr Marchese: It would seem to me that I could live with that.

The Chair: All we're saying here is that the Attorney General "should consider."

Mr Marchese: Yes.

The Chair: Okay. We're in agreement on that one.

1020

Mr Pond: Okay, draft recommendation 2: "The Minister of Municipal Affairs should ask the provincial facilitator"—namely Mr Martin—"to consider whether alternative dispute resolution and mediation techniques could be applied to some stages of the approvals process to accelerate the completion of significant development projects."

Again, this is another recommendation which has already been implemented. This is his job, essentially, and he's been doing it for some time. He went into this in some detail when he was before the committee. Similarly, the Sewell commission recommended that the province, as well as the OMB, adopt a number of so-called ADR techniques. What we could probably do here is rewrite that paragraph to indicate the committee's support for these efforts to introduce ADR and mediation techniques, as it does seem that the recommendation's been overtaken by time, so to speak.

Mr Grandmaître: Great.

The Chair: I think there should be a rider attached to that that there should be some follow-up with respect to how effective these changes are and how speedily they're occurring.

Mr Marchese: Actually, Mr Chair, I support that. We should be talking about what mechanisms are in place or would be in place to measure the effectiveness of that, so we could clearly see what criteria they use to measure it and then follow up on that so we know how it's going. I support that.

Mr Pond: Actually, that's in the draft report.

Draft recommendation 3: "The Minister of Municipal Affairs should consider some sort of penalty or disincentive for municipalities which fail to update their official plans expeditiously as a means of reducing appeals to the OMB."

Mr Martin didn't address this one at all. The Sewell commission doesn't address this proposal, but what it does do—and Mr Sewell made this point—is require all so-called upper-tier municipalities to adopt an official plan right away. It would require all lower-tier municipalities to have official plans which conform to the upper-tier official plans. A number of other measures would require municipalities to regularly update their official plans. Essentially, he's circumventing the problem identified by this recommendation by recommending that municipalities be required to have official plans, whether they want to or not, and have them updated regularly and in light of public opinion.

Mr Grandmaître: Mr Sewell also criticized municipalities for bringing too many amendments to their official

plans, yet he's saying that every municipality should have an official plan and that it should be reviewed regularly. But at the same time he's accusing them of changing their minds, let's say, too often.

Mr Marchese: Of those that do have them.

Mr Pond: That's right, he does say that.

Mr Grandmaître: Asking municipalities in this province to have an official plan is a great thing, but now that the province is showing more and more interest in municipal official planning and also giving the ministry and the minister more powers on those official plans, how can these official plans be reviewed regularly? And I mean every five years: This is what the Ministry of Municipal Affairs is saying now, that they should be reviewed every five years. Some municipalities work on their official plan for maybe two years or three years, and when they send in their official plan, their revised official plan, there are 100, maybe 200 amendments with the official plan, and it's not even approved yet.

I've worked with AMO on this thing, asking municipalities to be more realistic in their official plan approach. I don't think there is a municipality that brings in a new official plan without 50, 75, 100, 200 amendments, so it's not really reflecting the needs of today and the needs of the next five years. This is what really gets me. I think municipalities should review their official plan every five years, but without the amendments. Why would you bring in an official plan with 150 amendments, an official plan that hasn't been approved? Do you follow me?

The Chair: I just don't understand why they would bring in the plan with amendments, rather than bringing in an amended plan.

Mr Grandmaître: Because they're supposed to revise or review their official plan every five years, and they start working on a new, revised official plan about two years after. So it gives them three years to prepare a new official plan. But while they're working on it, you and every developer in the province of Ontario are asking for zoning changes and so on and so forth, so they include these amendments along with the official plan.

Mr Pond: That's exactly what happens.

Mr Grandmaître: So why ask municipalities to revise their official plan and file 200 amendments along with it?

Mr Marchese: Let me ask you a question. Did not Mr Sewell say it would be easier in the future for those municipalities that did not have one to in fact have one, and that it would be less complicated in the future with these official plans than it has been in the past because of his recommendations? Therefore, you would not be facing the kinds of things you're talking about.

Mr Pond: That's the intent of it, yes. That's the intent of what he's saying.

Mr Grandmaître: I know this is what he's trying to do. What I'm objecting to is municipalities bringing in the new official plan—which is not approved yet; they're asking for approval—but along with this official plan there may be 150 or 200 amendments. What's the good of working on an official plan for three years—

Mr Marchese: But once we have this in place—and I'm hoping and assuming that will be the case—those official plans will be a lot speedier and less complicated than in the past. My hope would be that those municipalities not make these changes now until they have a sense of what new changes are likely to be implemented in the very near future.

Mr Grandmaître: If those amendments are not part of the new official plan, then you'll be stalling developments in those municipalities, because developers are waiting for amendments to their zoning bylaws and so on: sewer, water. This is what I'm getting at.

Mr Marchese: I agree.

The Chair: How do you see us tying this in? We're dealing with the OMB. How would you tie this in to recommendations that affect the OMB?

Mr Grandmaître: Personally, Mr Chair, I think it's unreasonable and very costly for a municipality to revise its official plan every five years. Maybe it should be every seven years, because it's very, very costly.

The Chair: Theoretically, isn't an official plan supposed to be a 20-year plan?

Mr Grandmaître: It's supposed to reflect a 20-year plan: Regional governments are being asked to create an official plan which will reflect what the region should be for the next 20 years. To make those municipal official plans compatible with regional official plans is impossible, if you're asked to revise your official plan every five years.

The Chair: I understand what you're saying, but I'm trying to tie it in with our recommendations related to the workload of the Ontario Municipal Board. How would that impact on the workload?

Mr Marchese: Workload, or how it relates specifically to penalty or disincentives for failing to update their plans, right?

The Chair: This is a means, as we've concluded in here, of reducing appeals to the Ontario Municipal Board.

Mr Grandmaître: By accepting those 200 amendments, you're not reducing the workload of the OMB.

Mr Marchese: From what I heard—and perhaps, David, you might be helpful—from what Mr Sewell was saying, he seemed very confident that would happen.

Mr Pond: He is, definitely.

Mr Marchese: But it seemed all the members were too, in terms of what he was saying, and that if we implement a lot of those changes, this would be facilitated to a great extent.

Mr Pond: There'd be less appeals of official plan amendments to the board; that's the theory, yes.

The other thing I should mention to complete the picture is that the Sewell report also recommends that the province have the power to move in and take over the planning powers of a municipality which doesn't regulate development adequately in terms of the objectives of the new Planning Act. So if you've got a planning process in a municipality which, in the judgement of the minister, is totally at the mercy of developers, to give you just one example, the ministry would have the power to move in

and take over the planning powers of that municipality. If a municipality fails to introduce or update the official plan in light of the new standards, the ministry would have the power to move in and write the official plan for that municipality.

1030

Mr Grandmaître: Not only that; slow down unconditional and conditional grants to those municipalities that haven't updated their official plan. That's very serious.

Mr Pond: Yes, that's the other point, which I forgot. The grant structure would be revised.

Mr Marchese: But Bernard, what is your suggestion to those communities that would not move ahead to have an official plan?

Mr Grandmaître: I agree with Mr Sewell that every municipality should have an official plan, but I think it unrealistic to ask municipalities to update them every five years.

Mr Bill Murdoch (Grey): It takes five years to make a plan.

The Chair: We'll move on to Mr Cleary, but I'm just trying to tie in Mr Grandmaître's concern. What if we revised this to read something to the effect of "fail to update their official plan"? Are you suggesting an amendment or completely eliminating this? We're saying "fail to update their plans expeditiously." Did you want to amend that to include—

Mr Grandmaître: I'd say put seven years instead of every five. John wants to say something.

Mr John C. Cleary (Cornwall): I would just say that this planning has been a disaster in the last many, many years, going back into the early—

The Chair: The last eight, I guess.

Mr Cleary: And in the early 1970s, when the government forced every municipality to come into the planning area. That was a real disaster and cost the province and municipalities a pile of money. I've been involved in a lot of official plans, and I cannot see how you can recognize a five-year period, because sometimes that runs into three municipal councils before you get a plan off for approval, and I know about these amendments and everything. I don't know what the answer is, but the longer time frame we have, I think, the better.

Mr Robert Frankford (Scarborough East): I feel quite happy with this as written. It doesn't say exactly what sort of penalty or disincentive there should be. I find it difficult to imagine—

Mr Grandmaître: It's been mentioned before by the ministry. If they don't comply, their unconditional and conditional grants could be affected.

Mr Frankford: Okay. I'm really not that familiar with this field as to what mechanisms there could be, but my experience in Scarborough is that we are constantly faced with disputes going to the OMB in relation to the plan, and I think this would be an effective recommendation. I really am not sure if we should be discussing the choice between seven-year revisions and five-year revisions. The rather open-ended nature of this recommendation is fine with me.

The Chair: The bottom line here, as Mr Frankford's suggesting—and I tend to agree—is that what we're really trying to achieve here is to reduce the appeals to the OMB. I don't know whether or not it's appropriate for us to get into talking about—even though we have some experience and expertise in this area, it's something we really haven't discussed thoroughly. I wonder if it's appropriate for us to be putting a time line on it as the ideal, rather than just simply saying, as this wording indicates, "expeditiously," and letting the so-called expertise define what that means.

Mr McLean: I guess the bottom line is that it doesn't matter what we put in; it's up to the ministry whether it wants to have a look at it or not. If you start putting in specifics, it won't matter: They will do what they want to do. I think what Bob is saying is that it's a recommendation that they do something, and we might as well leave it at that.

Mr Marchese: I think it's important for us to write what we feel is appropriate, although in the end of course ministers may do what they want.

Two points on this, first in terms of the seven years: My concern is that the longer time you give, making it more elastic, the more municipalities will take advantage of the seven-year time frame. I mean if you can do it in five, you'll do it in five; if you're told you can do it in seven, you'll do it in seven. So you delay your official plan, always, by the time frame you're given. That's my concern about stretching the time.

But coming more directly to the point, I agree with Mr Runciman and Bob Frankford on this, that this issue is not connected to a time frame so much as whether we agree that there should be penalties or disincentives in order to get municipalities to have this official plan and, if they fail to do so, what those disincentives or penalties should be. That's really the issue, and I prefer to stick to that than to refocus the agenda on five or seven years.

Mr Murdoch: I think you're sort of picking on municipalities, saying, "If they get seven years, they'll take seven years; if we give them five, they'll take five." They want an official plan as much as anybody else does, because they're the guys—

Mr Marchese: No.

Mr Murdoch: Sure they do. I was there. I know damn well they do, and don't tell me they don't. That really makes me mad when you start saying: "Oh, municipalities don't know what to do. We, as Big Brother, have got to come down with a hammer and tell them they've got to do stuff." I totally disagree with that.

Mr Noel Duignan (Halton North): In some cases that's needed, Bill, because sometimes they don't do it.

Mr Murdoch: Who the hell are you to say that you should tell the municipalities what to do?

Mr Duignan: Why the hell should the local taxpayers put up with incompetence at the local municipal level? They need some direction.

Mr Murdoch: So municipalities are incompetent? There you are, coming right from the government.

Mr Duignan: Exactly. You go to my local municipality and it's totally incompetent.

Mr Murdoch: Good. The government now says municipalities are incompetent and that it isn't. I guess that's why that big shuffle today, because they weren't incompetent, for God's sake. Anyway, that's what I want to say, that I get sick and tired of these guys running down the municipalities.

Mr Duignan: Talk to the people in my local municipality.

The Chair: Mr Murdoch has the floor. You had enough opportunity.

Mr Murdoch: I don't think there should be any penalty at all. You start saying "penalties." What are they going to do? Spank you if you aren't good, or make you sit in the corner? Give me a break. They should sit down and deal with it like people and not turn around and say—

The Chair: Mr Murdoch, we're dealing with the specific recommendation 3. Are you supporting it or not supporting it?

Mr Murdoch: No, I wouldn't support that.

The Chair: You're not supporting it. Okay.

Mr Marchese: Mr Chair, if you recall, yesterday a large percentage was presented to us of municipalities that don't have an official plan: Either a third or half of municipalities don't have an official plan.

Mr Murdoch: Do you know why?

Mr Marchese: But it's important to note that, otherwise you create the impression that somehow that isn't an issue out there. If a large number of them don't have an official plan, it's a problem we have to deal with. Anyway, Mr Chair, that's it.

Mr Murdoch: And I'll agree with you that there is a large number, but it's not their fault. It's the fault of the government down here. They set all these guidelines and time frames that you have to do this and you have to do that. These are elected people you're dealing with.

Mr Marchese: Bill, it's got nothing to do with that.

Mr Murdoch: Sure, it is; I've been there.

Mr Duignan: To stop developers doing what they please and manipulating local councils is why, Bill.

Mr Murdoch: Would you like my time? Why don't you say it when you have a chance to, and let the other people speak? But of course you want to run the whole show. Fine.

I'm just telling you, that's why there are a lot of problems, because the problems are here. You want to know about Grey county? You had your superministers come up there and say, "You must have a plan and we'll pay half." Now, all of a sudden, "No, we don't have any more money; we won't pay for it." So what the hell are they supposed to do up there and think about that? They were forced into doing a new plan right now, immediately, it had to be done, it was top priority, "But we'll pay half for you." Two big ministers, Grier and Cooke both, said, "We'll pay," and now they won't.

The Chair: We're not going to solve the problems of the world here this morning.

Mr Murdoch: That's for sure.

The Chair: What do you want to do with this recommendation? If there's a division on it, maybe we should simply leave it here for now until we finalize this and make a note that there's a division of opinion on whether we should incorporate this in the report, rather than making a final decision on it now, just so we can move through these things.

Mr Marchese: Mr Chair, is it useful to suggest that we support the direction of the Sewell commission report, or is that contrary to what Bill is supporting?

Mr Murdoch: It's contrary for me to say I support that report.

Mr Grandmaitre: The Sewell commission does not directly discuss this proposal.

Mr Marchese: It does offer a number of proposals.

Mr Grandmaitre: However, the commission does offer a number of proposals. Also, I want to remind you what Mr Sewell told us yesterday, that two thirds of our municipal governments don't have a plan.

Mr Marchese: It was two thirds, then. It's not even half; it's two thirds.

Mr Grandmaitre: Two thirds don't have a plan. So you're putting these municipalities, maybe 600 municipalities, right against the wall. They say: "Get a plan. Get a consultant and get a plan."

The Chair: I'm trying to get this report through. Is there a majority opinion here that we should just pull this recommendation?

Mr Murdoch: I would go for that.

1040

The Chair: I'm looking for some kind of sense out of this. Mr Frankford, would you like to say something?

Mr Frankford: I think we are trying to make recommendations to improve the efficiency of the OMB and this seems to be a very reasonable recommendation to add to what we're saying.

Mr Grandmaitre: Personally, I don't.

Mr Marchese: I would like—

The Chair: Mr Grandmaitre and then Mr Marchese.

Mr Grandmaitre: I don't think that two thirds of our municipalities should be penalized because they don't have the money to update their official plans and don't have the money to have a full-time planner on their staff. I don't think they should be penalized.

The Chair: I just want to say that traditionally, historically, with agency reports from this committee, they've been unanimous recommendations going forward. I'd just like us all to keep that in mind. There are some times that we're not going to be able to agree on things, but I think it has much more impact in terms of the ministry or agency we're dealing with if it's a unanimous recommendation. What am I hearing, that we have a goodly number who would like to simply pull this and make no reference to this?

Mr Murdoch: That's what I would recommend.

Mr Marchese: I would have preferred that we support the direction of the Sewell commission, but if we can't get support—

Mr Murdoch: I couldn't do that.

Mr Grandmaître: We haven't seen the formal recommendation from Sewell.

Mr Murdoch: It's pretty hard to do that.

Mr Marchese: No, supporting the direction where the Sewell commission is going.

Mr Murdoch: To the bottom of the sea.

Mr Grandmaître: No. I'd rather have a road map with a final destination on it.

Mr Murdoch: I would too.

Mr Marchese: That's okay, Bernard, the minister will do what he wants.

The Chair: Let's move on to the next one that's perhaps a little less contentious.

Mr Grandmaître: What have we resolved on this one?

The Chair: We're pulling it.

Mr Grandmaître: Pulling it? Thank you.

Mr Pond: Okay, draft recommendation 4: "The Attorney General consider changing the term of OMB members to an initial five-year appointment, with the possibility of a reappointment to a second term of three years."

Neither Dale Martin nor the Sewell commission talk at all about the length of term of OMB members.

The issue here was, as you recall, that historically, appointments to the OMB were at pleasure of the Lieutenant Governor in Council, which meant essentially for the rest of your career. The Peterson government introduced the standard three-year term. The committee heard on a number of occasions from OMB members that this was a contentious issue within the board because some members were there for life, essentially, and some members were there for only three years. This is the compromise recommendation the committee came up with, the five-year term and then the possibility of a reappointment.

The Chair: Any comments?

Mr Marchese: We support that, Mr Chair.

Mr Grandmaître: I like it.

The Chair: Everyone agrees with this? Okay.

Mr Grandmaître: Bill just told me he will support it too.

The Chair: He's already got his application in. Draft recommendation 5.

Mr Pond: Intervenor funding: Both Mr Martin and the Sewell commission agreed that intervenor funding should be extended to the OMB, and if you recall, the Sewell commission in its chapter on this has a long list of criteria which should be introduced to enable the OMB to implement this recommendation. It's not very controversial, except I guess with you.

Mr Murdoch: This is intervenor funding for whom?

Mr Grandmaître: Not individuals, not private—

The Chair: No, that was pretty well discussed yesterday with Mr Sewell.

Mr Marchese: It would be useful to hear the other members on this. I personally support intervenor funding and support as well the number of checks and balances that were considered or are being considered by the Sewell commission. With those considerations, I feel that intervenor funding is useful.

The OMB would create a panel within it to review the individual cases, but I don't have with me all the kinds of criteria—there are about eight of them—in terms of considerations that I think are appropriate. My sense is that if the others agree, I would prefer to support that and support the direction of the Sewell commission in that respect than to suggest, "The Attorney General give prompt and careful consideration to the advantages and disadvantages," which really doesn't say much, except that.

The Chair: Except take a look at it.

Mr Marchese: Except take a look at it and tell us what's good and bad about it. But what do the other members feel about that?

Mr Murdoch: I don't like intervenor funding at all. If somebody wants to fight something, that's their business. I don't think the government should be giving other people money to fight things at OMB. For example, in Meaford they had a dump site and it cost the town of Meaford and the township of St Vincent more money at the hearing than for the damned intervenor funding because the OMB put the cost back on to the municipalities because this group could have intervenor funding. So I don't agree with that.

The Chair: David can correct me, but I think we had this division of opinion when we originally discussed that. That's why we came up with this recommendation, which isn't coming down on either side of the fence. It's just saying take a look at it.

Mr Grandmaître: Take a look at it.

Mr Marchese: Do you support that, Bernard? Take a look at it?

Mr Grandmaître: Yes.

Mr Murdoch: That's all it says. Weren't you supporting this?

The Chair: No, he wanted it to be quite—

Mr Marchese: I think we should support intervenor funding. I think a lot of individuals—

Mr Murdoch: How can we afford it? Everybody's running all over the country. Everybody's appealing everything.

The Chair: We have a recommendation which I think arose out of considerable discussion already on this matter. Do we support the recommendation or do we want to change it? I am open to an amendment, but I get the sense that everyone can agree with this, whether we're totally happy with it or not.

Mr Marchese: It's such a weak recommendation. But you like it?

Mr Grandmaître: I like the words "careful consideration."

Mr Marchese: All right. I prefer to leave it then.

The Chair: Draft recommendation 6.

Mr Pond: "OMB members should always strive to be as courteous and friendly as possible to the parties appearing before them, and in particular to private citizens and community groups who appear without a lawyer."

This arose out of testimony from community groups which appeared before the committee to argue that in specific cases, in their experience, OMB members had been less than fully courteous to them, especially when they appeared without a lawyer.

Mr Murdoch: You'll never enforce this one.

Mr Marchese: Shall we build in the monitoring mechanism for this?

The Chair: Let's have one at a time. Mr Marchese.

Mr Marchese: I'm just joking, Mr Chair. I'm proposing that we build in a monitoring mechanism to make sure this happens. I support the recommendation.

Mr Murdoch: Maybe there should be something in there, like we would fine them if they didn't do it right. This would give the government of the day a heavy hand on these guys. When they don't do it, there'll be a penalty. You'll sit in the corner.

Mr Marchese: Penalties and disincentives.

Mr Murdoch: Yes, the same as you want to do with the municipalities. Let's do it to the OMB guys.

Mr Marchese: I think Bill supports the recommendation.

The Chair: I guess everybody agrees with the intent of this. Okay, draft recommendation 7.

Mr Pond: "Training programs for OMB members should include material on the ecosystems approach to urban planning."

Dale Martin didn't actually speak to this recommendation, but he did speak to the next one, which is closely related, and the Sewell commission did agree with this recommendation.

Mr Marchese: We support it.

Mr Murdoch: Training programs?

Mr Pond: Actually, to be fair, Mr Murdoch, that phrase "training programs" came out of the testimony of the OMB itself in which it indicated to the committee it was introducing formal training programs for new members.

Mr Murdoch: It wouldn't hurt to train them that there's more than just Toronto, too, that there is a rural Ontario out there. You could add that. There is more than just planning in Toronto.

Mr Marchese: You're so specific.

Mr Murdoch: No sense beating around the bush, is there?

Mr Marchese: Why are you so unfriendly to Toronto anyway?

Mr Murdoch: You should come up and live in Grey for a while and see what you do up there.

Mr Marchese: I'm not coming now, Bill.

The Chair: Number 8, I gather, is along the same lines.

Mr Pond: Yes. "The government should appoint some members to the OMB who have a background in ecological theory and its application to planning issues."

Mr Martin did specifically say he agreed with this recommendation, and as I note here, the Sewell commission recommends that in making appointments to the OMB, the government should take into consideration whether prospective appointees have an understanding and sensitivity to environmental issues.

The Chair: Is there anything else we want to incorporate in this report before David finalizes the thing and brings it back to us? Anything else that might have arisen out of Mr Martin's and Mr Sewell's appearances?

Mr Marchese: Just as a question, I found Mr Sewell's comments yesterday very informative. My hope is that our government will proceed with that report as expeditiously as possible. If other members felt the same, it would be useful to have a recommendation that spoke to that, and in that way.

Mr Murdoch: You certainly won't get a recommendation out of here. I hope they scrap it.

Mr Grandmaitre: Mr Sewell is on the right track, but I did point out to him yesterday that this is not the first time we've looked at the Planning Act in the last 15 years. I think this is the fourth or maybe fifth study or review, and before approving anything I'd like to see the final report, but I think he's on the right track. We have to speed up the planning and development process.

1050

Mr Murdoch: I have no problem with reviewing planning but I think he's on the wrong track. He's all urbanized. It kills rural Ontario is what it does and if it proceeds with that, you're going to have a revolt. There's no doubt about it. Rural Ontario will never accept that. You might as well accept that right now. If you want to force it through, which you can, then fine, you'll live with the consequences.

The Chair: The fact is, not speaking from personal perspective, that I represent a riding that's a mix of small urban and rural and there is a lot of concern about these recommendations, perhaps a lot of misunderstanding out there—I'm not sure—which Mr Sewell is going to hear now as he has his draft report out there. He's going to get feedback from small municipalities and rural areas, but I think it would possibly be premature to say something at this stage because I think there is an awful lot of concern out there.

Mr Murdoch: He's already had the chance for his people and obviously hasn't listened with the draft report, so I don't have a lot of enthusiasm that he's going to change his report. He's been around the circuit already a couple of times and now he's going for the third time. Maybe he'll listen the third time. With some people it takes a little longer to sink in and maybe it will.

Mr Grandmaitre: We're going to send him a personal note.

Mr Murdoch: Mr Chairman, perhaps you'd give Mr Duignan a chance to speak, because he seems to be chipping

in over there and they don't let him speak, so maybe he can have a turn.

Mr Duignan: I'll have my chance, Bill, don't worry about it.

Mr Murdoch: We're a little worried. You seem to always want to take my time.

Mr Duignan: There's no need to worry about it, Bill.

Mr McLean: My turn.

The Chair: You're too late.

The next matter we have to deal with is to try to provide some direction for David to prepare some draft reports on Science North and the conservation authority. We'll deal initially with Science North. Does anyone want to say anything at this point about the Science North review, any recommendations we might want to put forward as a result of that review process? Mr Marchese, didn't you have your hand up?

Mr Marchese: I was going to recommend putting David Pond on the spot. If he could be helpful to us in possibly identifying some of the questions that had been raised, he may trigger in all of us some memory of what we might recommend. I only have positive feedback, personally, of the experience and it's very difficult to think about what else they could have done.

The Chair: I enjoyed the experience too. There were a couple of things I felt perhaps we should look at. As I understood it, the Provincial Auditor has never been in there to do an audit and I think it would be helpful if we recommended that the auditor take a look at the operation. Specifically, I would like to see him take a look at the mine operation. There was some talk about whether you can present that experience at the one site, this mining experience, and they said that they can't duplicate it, that it wouldn't be the same sort of thing.

I'm sure if the auditor were taking a look at the total operation, and he also took a look at the viability or feasibility of continuing with the mine operation—just taking a look at that total operation, a cost-benefit analysis, what have you, so that we could, either through our committee or through public accounts, once we received that report, take another look at the situation.

Mr Marchese: Actually, that was the only thing I could remember that for me was questionable in terms of whether they should proceed with it. Based on the number of dollars it requires to update it and bring it up to standard, I wasn't sure whether it would be economically feasible or, in the end, if it wasn't to be recoverable or cost-neutral, why do it, except to give the few that go the experience of seeing it? It was my sense that perhaps it might be useful to look at the effectiveness of putting money into the mine operation, maybe do a cost analysis, which they may have done a couple of years ago, but timely to review again. That I would support.

The Chair: The other thing I was concerned about was their marketing and the development of the movie—what was it called?

Mr Pond: Shooting Star.

The Chair: As you recall, I raised the question of Shooting Star. I wasn't personally terribly impressed with Shooting Star, because it's aimed at a younger audience, but even, I thought, in terms of its educational impact—although they say if you go back two or three times, you see different things—I wasn't impressed and I think it's perhaps too narrowly focused. I believe that when they're doing things like this—and they indicated that in the future they're going to do it—they should be developing something that's much more marketable in terms of attracting dollars back into the facility. They're having extreme difficulty in marketing the Shooting Star effort elsewhere because of its focus on one particular geographic area, if you will. There are a whole lot of other services they could provide. They seem to have really de-emphasized that. It's not even mentioned in their own budget, and they admit that.

I asked them if the act was a detriment in terms of the fact that all the revenues have to go back into exhibits. Any revenues derived from the sale of services or products have to go back into exhibits. I wondered if that was a disincentive. They indicated that in their view it wasn't, but for some reason they simply haven't put much, if any, attention into that whole possible revenue area. I think we should make some reference to their doing much more in that area and that when they're developing new products that be a very significant part of the development process: "We can sell this beyond this one tiny market."

Mr Frankford: I'm at somewhat of a disadvantage because, as you recall, I didn't actually make the visit. I don't even know if it's there or not, but if I could perhaps relate it to another mine museum that I visited last summer in British Columbia, I found that one quite interesting for what it told about the social history of the area. This was an area where there had been Chinese and Japanese immigrants, and they brought out quite a lot of that. Maybe it's there, but I think that in their content they might consider something of that. I think it would add to what is shown in relation to Sudbury. It might also be a draw for people from elsewhere.

Mr Pond: They did say in their own operating plan, which was submitted to the committee, that one of the weaknesses in the current exhibit at the Big Nickel Mine was that they didn't do that. They got the big dollars from the province. That's what they would add to it, the socio-cultural dimensions of mining in northern Ontario.

The Chair: I remember there were some questions raised about the purchase of the rink as well.

Mr Pond: Yes, that was one issue I was going to—

The Chair: What did they pay, \$2.5 million for it originally? It cost the municipality \$500,000 or something like that.

Mr McLean: I think, Mr Chairman, your first thought with regard to an audit would be appropriate, as it's never been audited. There's no doubt the city is sure benefiting by it, but it's the taxpayer who's going to be picking up the cost, and what's the cost going to be?

The other aspect that I would like to have looked at is that it appears to be turning it into an educational centre, more so, I thought, than an overview for the residents of all

Ontario. School children are probably 80% of the people who are going through there. I think it is very educational; I'm not taking that away. What I've seen certainly is great, but we appear to be hiring professors to deal with the things that are there, and there are even those charts on the floor to look at further development of that type of education centre. I have some concerns there and I think an audit would probably bring out some of them.

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Mr Marchese: Just two points, one on the Shooting Star. I think, because we were there and there were children, it had more of an influence on me in terms of the effectiveness of the film. Perhaps if the children hadn't been there I might have had a different reaction, but seeing children reach out as the three-dimensional items just came in front of your eyes had an effect on me.

The point is that yes, it could be perhaps much more educational, or even more marketable to other audiences, but I think this has been a success for the number of people who visit, the number of children who want to go, or schools that want to go, from within the area, Metro and the greater Toronto area. It seems to me it has had quite an effect on the number of people who have gone to see it. So I'm not sure that perhaps it doesn't have the value it has had, based on attendance.

On the other matter of the arena, I do want to say that it was important for Science North to have it. I think you will have noticed when we went to the board meeting downstairs that their board meeting was very, very small, very tight. So that is a problem, and the number of people we saw around the boardroom having tiny little offices—I don't know if you had an opportunity to look at those offices, but they were extremely tight. So some of them have crammed space, and some of the other staff were in another little area compartmentalized by divisions. I think it's just an impossible way to work for an operation of that size. Science North does bring revenue to the north, I think, so the more efficient you make it, the better it is for Sudbury and the surrounding regions. I think that has had tremendous advantages for Science North and Sudburians.

Mr Murdoch: You started talking about the arena and then you got into the cramped space. How does the arena tie into that?

Mr Marchese: The arena is used for the expansion of those spaces so that the majority of people, the board and those offices and all the other staff who are at the basement level, could move themselves into the arena, leaving that space which they presently occupy for exhibition space and other uses.

Mr Murdoch: So they're not using the arena as a hockey arena, like what it was for.

Mr Marchese: No, it would not be a hockey arena any more.

Mr Murdoch: You didn't finish and I didn't understand.

Mr Marchese: No, that's mostly the purpose that I can recall.

Mr Murdoch: That's why they bought the arena, is it?

Mr Marchese: Yes.

Mr Murdoch: It's not kept as an ice—

Mr Marchese: No, the city's building another arena and other facilities in another spot.

Mr Murdoch: So they just bought a building, you might say, because it wasn't really called that, to build more office space.

Mr Marchese: Yes.

The Chair: That was my understanding.

Mr Grandmaitre: I agree with most of what Mr Marchese just pointed out. I realize that these people need a better working area, but my problem is, at what cost, because 75% of the cost of an arena is underground. That's the refrigeration, compressors and miles and miles of pipes, and they will convert this into office space. I find this very, very costly. Some 75% of the cost of any arena is underground, and these people will not be using those services, the infrastructure in the arena. Wouldn't it be cheaper to go outside and rent or put on an addition?

Mr Marchese: It's right next door.

Mr Grandmaitre: I know it's next door. If you had a mine next door, you wouldn't automatically say, "Hey, this is the best place because it's next door."

Mr Marchese: You don't want staff to be halfway out of town. Staff is located right there, which means they can walk from the arena, which is basically now connected, so you go from one facility to the other. Would you want to waste all that time to have them located somewhere else in terms of staff time, travel time?

The Chair: I just want to interject here that this was a concern that was expressed at the meeting and some questions were asked. We're looking for recommendations from David, and I'm sure if we have the auditor go in there and look at the situation, he's going to review the minutes of this meeting as well and will know that's certainly one of the concerns and take a look at all of those matters and justify the decision or not justify the decision, I guess. But it's a concern and I think it's a valid one, not just because certain people are raising it here, but we didn't hear enough about it and what it's going to cost in terms of renovation of the rink to provide suitable office space, for example.

That could be a significant figure, especially given the times of constraint facing the government. A lot of private sector people are putting up with pretty tightly cramped office quarters in this day and age, and very few are looking at expansion when they're losing money. So those arguments can be made as well, and I don't want to get into that. I'll try to abbreviate this so we can complete our business. My only point is that the concern has been noted and hopefully the auditor will take it into account.

Mr Murdoch: I just want to ask, was it a fairly new arena or an older one?

Mr Pond: It's an old arena.

Mr Marchese: It's been there for a while.

Mr Pond: It was functional up to a couple of years ago.

Mr Marchese: Yes.

Mr Murdoch: I just wondered, because a lot of old arenas, they condemn them. I don't know what they paid. Maybe they got it for \$1.

Mr Pond: No, no.

Mr Marchese: No, it was—

Mr Murdoch: Oh, well, I guess you're going to get into that, Bob. You sort of summed it up there.

The Chair: I don't think we're qualified to assess the wisdom or lack of wisdom of the decision. Hopefully, somebody else can do that for us.

I think David can review both the Hansard of today and when they appeared before us and come up with something.

The next one—I wasn't party to this discussion; Mr McLean was in the chair—is in respect to the conservation authority. Do you have any comments for David in respect to the conservation authority?

Mr McLean: I'd like David to give us his comments with regard to what he felt was the outcome of that meeting with the chairman and conservation people.

Mr Pond: I was afraid you were going to say that. One of the issues that came up was that all of the municipal members on the authority were municipal politicians, and it's at the discretion of the council to decide whether its representatives are going to be themselves, essentially, or people they nominate. A couple of members—Mr Sterling, for example—felt that what you had here was therefore sort of a subcommittee of the municipality, essentially, or an extension of the region, raising the question of, if the municipal councils are going to do this, why have the conservation authority? I think he just threw that out.

Another issue was the question of restructuring the conservation authorities in the area. As you remember, the Bugar report and then the Ballinger review of the Bugar report suggested that some of these conservation authorities be amalgamated. They had had discussions in the early 1990s about this one being amalgamated with adjacent ones. A couple of proposals had been floated in 1990; nothing had come to fruition. So I think, again, Mr Sterling was sort of posing the question that perhaps we should be looking at comparing the costs of this particular conservation authority, its size, its bureaucracy, with the adjacent ones and revisiting the issue of consolidating some of them.

The counterpoint to that position is that if you consolidated conservation authorities, the relative impact of any single municipality on the new authority would be smaller. Because the authority would be larger, some of the municipalities won't be able to have a representative on the board if you're not going to have a gargantuan, unwieldy board. So the pros and cons of that issue were thrashed out to a certain extent.

The representatives of the authority complained about a lack of money for doing some of the things they wanted to do. I pointed out to you in the briefing, and I think Mr Marchese pointed out during the hearing, that this particular authority had emerged relatively unscathed from the provincial cutbacks. Its provincial grant is going up. While other authorities' grants are going down, the witnesses still

took the position that maybe they should get more money from the province.

Mr Marchese: They talked about inflation and said—

Mr Pond: A very serious problem, yes indeed.

Mr Marchese: —that we haven't been keeping up with inflation, and I was saying that we have, more than inflation, relative to so many others who weren't getting that.

Mr McLean: If I could just mention, Mr Chairman, I think that authority is one of the better-run authorities in the province. They are within a region. When I look at the members who are appointed, I don't know how they could appoint any others unless they appointed outside people, and that is what the province does. They have three there appointed from the province.

I just happen to believe, looking at the maps they showed, the area it's in, that it's a well-run authority. I haven't anything detrimental to say about the operation of it. They're unhappy because they're not getting grants. Well, that's a sign of the times. They're all unhappy because they're not getting enough money.

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Mr Cleary: I happen to have been a member of an authority for 13 or 14 years. Back when I was first appointed, you had a resource manager sent in by the province and he directed the operation of the authority. But times have changed and different retired people from municipal councils or whatever it might have been were appointed on the authority. They went there and they weren't accomplishing a lot. I know what these guys were thinking to send their municipal people there, not only to watch the operation but to get things done. Speaking for myself, I don't have any difficulty with the makeup of that authority.

Mr Murdoch: I didn't sit in with that authority, but I was chairman of an authority for five years, so I know quite a bit about the operation of conservation authorities, and I sat on the Association of Conservation Authorities of Ontario. I think their biggest problem is less money from the government. The government definitely is cutting back, there's no doubt, and it's still demanding that the authorities have the same responsibilities. What's happening is that they're going to have to pick the money up from the municipalities. It's really starting to download. I think you're going to see the ACAO really start to lobby with the government to say, "If you want us to do the same things, we can't do them."

You also mentioned the Ballinger report. I think it should be set aside and buried where it is right now and left alone, because it was one of the things that caused more trouble with conservation authorities than any report I've ever seen. It's gone. Let it die and don't bring it back. Now, that's not to say that some authorities can't amalgamate, but if they want to do it on their own, that's what they should be encouraged to do so it's done properly. If they had done what Ballinger wanted them to do, we'd be in big trouble today.

Mr Marchese: There weren't any recommendations that come to mind in terms of what I would propose except one that I'm remembering, and that is that they only raised

about 6% of their budget through a number of different ways, and I suspect that is a very low figure for most conservation authorities. My understanding is that most conservation authorities raise more money than that, and I would be interested in knowing whether that is the case. If that is so, what could this authority do in order to raise more money by itself, for itself?

The Chair: I'd like to say something just as a personal opinion in respect to conservation authorities. I think they should be looking at perhaps more innovative ways of cutting down on their expenses, and one of them that I've discussed with my own area conservation authority is the idea of looking at some of the parklands and leasing them out. You can lease them out, in the sense that they're leased, for example, to the Lions Club, and you do it on condition that they maintain it to certain levels that fall within the guidelines of a conservation authority, so you're getting that property utilized for the reasons for which it was originally purchased and developed but the costs are all passed on to a local service club, another organization or what have you. I don't know how feasible that is in a lot of instances, but I think it's one of those little innovative avenues they should be looking at and talking to various organizations about.

Mr Marchese: They're doing that, I think.

The Chair: I'm not aware of that; they're not doing it in my area.

Mr Marchese: Isn't that the case?

Mr McLean: They are doing some of that in the Nottawasaga Valley Conservation Authority. Where they had campgrounds or where they had just recreational areas, that's been turned over to a Lions Club or to that community.

The Chair: I think they should all be encouraged to take a look at that.

Mr McLean: They've done that because of the cost structure.

Mr Marchese: That's in keeping with my concern or suggestion as well.

Mr McLean: Getting to the percentage that was raised, 6%, that would be a type of funding that would come from doing a raffle, that type of thing, to raise money for a specific centre. We have the Tiffin Conservation Centre, which is classified as an educational area. They have a raffle every year. So 6% of the funds is a large amount to raise of the total budget through those types of things.

Mr Marchese: I understand.

Mr McLean: That's what I think you're referring to, isn't it?

Mr Marchese: Yes, it's fees and a whole other variety of—

Mr McLean: Not fees for entrance, gate fees or all that. I think that 6% was probably from other than that.

Mr Marchese: We can enlist the support of David. David, I'm sorry; do you recall—there were three or four things that conservation authorities do to raise money. Do you recall what they were?

Mr Pond: For example, recreational user fees, the sale of their publications and maps, the maple syrup sales. Help me out here.

Mr Marchese: That's right.

Mr Murdoch: Foundations.

Mr Pond: You might want to mention that now.

Mr Murdoch: I want to get into this foundation. I want you to know something about it and maybe you can help me out then.

Mr McLean: Raffles.

Mr Murdoch: But they do get it from the municipalities too, their money, don't forget.

Mr Marchese: Of course.

Mr Murdoch: But you're talking about extra ways?

Mr Marchese: Yes, this is the extra. This is what David was just talking about, and my feeling is that a lot of other conservation authorities do all of this and more. The point is, is that so, and if it is, what could this conservation authority do to increase its self-generated dollars?

Mr Murdoch: I wasn't there when this conservation authority was interviewed, but does it have a foundation? That's where you get tax-deductible—it's actually a group set up outside—

Mr Marchese: They didn't speak about that, I don't think.

Mr Murdoch: A lot of them do, and the one that I represented was Grey Sauble in our area. They have applied to the Attorney General to do this. Now we've been informed it's illegal, and the government of the day—and maybe you can help me out with Howard, because I've been trying to get him to do something about it—will not allow Grey Sauble to set up a foundation, although Nottawasaga and Saugeen, both sides, have it. They collect a lot of money for it, because what they do, if it's a certain project that has to be done, that foundation goes out to people and they say: "We're going to buy this wetland. If you'll donate money to this foundation, you'll get a tax receipt." That foundation raises the money for that specific purpose and then gives it to the conservation authority.

Mr Marchese: I understand.

Mr Murdoch: Now we're being told by the ministry of the day that these are all illegal and they're going to cut them all off.

Mr Marchese: Bill, there might be some criteria. I'm not familiar with it, but surely you must have been—

Mr Murdoch: I talked to the person.

Mr McLean: Marion Boyd.

Mr Murdoch: Who?

Mr McLean: Marion Boyd, the new Attorney General. She'll straighten it all out.

Mr Murdoch: Oh, okay. I talked to the bureaucrat who was looking after that. I said, "Explain to me why Grey Sauble can't have one, if Nottawasaga and Saugeen both can. Both sides, and they're working quite well and they're raising money." He said, "They're illegal too"—that was his answer—"and we're going to cut them all

out.” But that’s one way they raise a lot of money and that’s what they’re going to need with the restraint on money now. We know the government doesn’t have a lot of money, so it can’t afford all these projects. So that means it’s local-driven. It’s an excellent way of doing it, but we’re having problems, so maybe you can help us out.

Mr Marchese: I’m not sure what the problems are, Bill. It’s hard for me to comment on it without understanding.

Mr Murdoch: No, no, I don’t want you to comment now. I’m just saying, if you can do anything to help us out, it’s much appreciated.

The Chair: I think David has an indication. Obviously, we’re not going to have an extensive report or extensive recommendations in this area, but he has some idea. We’ll have something back.

Mr Pond: Sure, yes.

The Chair: It’s not on the agenda, but I just wonder if you want to briefly discuss, so David has some idea where we’re heading—and I must admit I don’t have my head around this either; maybe none of you do—the Metropolitan Toronto Police Services Board. We’ve been looking at this for some time and I’m sure it’s one of those areas where we’re going to have some division of opinion and recommendations, and we may not be able to come to any agreement, consensus, in respect to this because it’s such a controversial matter. Do you want to talk 15 or 20 minutes just to discuss this area and the sorts of things we’re looking at? Mr McLean, do you want to lead off?

Mr McLean: Yes. I think it’s going to be difficult to come to a conclusion on this, and I have a feeling that with the different points of view that have been raised and with regard to the problems that appear to be, on the surface, in the Metropolitan Toronto Police Services Board, I don’t know what recommendations we can make, because it doesn’t matter what I would like to see; somebody will want to see something different.

The issue that has been raised with regard to the minorities is a major one and I really have a problem coming to terms with what type of recommendations we can make. Are we going to make some recommendations that the police services board change its membership? Are we going to make some recommendations that there be more Metro councillors on the police services board? Are we going to make some recommendations with regard to the criteria used to determine whether there should be more minorities hired, recommendations of that type? It’s a difficult area, and I would like to listen to some of the other observations.

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Mr Marchese: I think Allan is absolutely correct. We won’t have unanimity on the whole issue of the gathering of statistics and to what purposes they would be used, including the composition of the board and how they should be elected or nominated. I think there will be division on that, clearly.

I don’t support the whole idea of having all Metro councillors as one of the suggestions Gordon Chong mentioned. I think that would be wrong and unacceptable to many people. Having our nominations keeps balance

and provincial interest. They’re all community people for the most part, but a lot of people disagreed with that. They think they should all come from the Metropolitan board so as to reflect their own purposes and politics, so I have a difficulty with that.

In terms of how the commission dealt with the Metro police services board, I had some strong disagreement with that. The elastic language about when the police services board is “flagrant” in its decision-making process—flagrant and another word that I can’t recall. They’re very elastic words. It allows the police board to literally do whatever it wants and the commission will simply—“repeated offences” or something to that effect. What is “repeated”? Well, two or three more times, so if you do it once and each time it’s a different thing, you look at each different thing for its own merits, but that wouldn’t be classified as repeated. It would be a different thing happening only once. I’m concerned about that and what the commission does or did with respect to, I think, some of the offences that have occurred. I think Allan is right: We probably wouldn’t come to some unanimity on what to do.

Mr McLean: Mr Chair, if I could clarify what I’d said in the one instance where the biggest disagreement may be, I’m a firm believer in statistics to show where crimes and problems are happening, which groups it’s happening most with, because, I’ll tell you, I firmly believe that if there’s one specific group creating more crime than others, then we should be zeroing in and hiring more officers from that group to police that group rather than overall policemen.

Mr Marchese: But why aren’t they doing that now, Allan? They know. Why aren’t they doing it if that’s the issue?

Mr McLean: That’s right.

The Chair: How can they justify—

Mr McLean: But nobody wants to get the statistics out.

Mr Marchese: They know, Bill.

Mr Murdoch: I know that.

The Chair: What I’d like to personally see done, and we may not be able to come up with a report or recommendations in this matter, but I wouldn’t mind seeing David prepare a list of highlights of concerns, areas like the statistics question, the question Mr Lymer raised about the board and the chairman not doing enough to get out and understand the public mood and the police mood. He was talking about going to substations, talking to officers on the beat and that sort of thing; that they’re only talking to higher-level officers and they’re not getting a complete understanding of the mindset of the cop on the beat; those kinds of things I would like to see David bring back to us.

I’m not optimistic we’re going to reach any kind of wording that we can all live with, but since we’ve devoted as much time as we have to this, I think we should at least ask him to do that and have a full and thorough discussion of it. If nothing else, we can supply the board with a copy of Hansard, so they’ll know the views on a variety of issues of all of us. They’re going to appreciate we’re coming from some ideological positions on many of these things,

but at least it'll be on the record. We'll say, "We couldn't come to consensus, and this is essentially a consensus committee, but here are at least some of the views of members on a variety of issues affecting your operations."

Mr Frankford: I just wanted to follow up on the statistics question and reiterate the point I made in the committee, that I think one should have lots and lots of statistics and why it is just race, whatever that means. It seems very limiting in the determinants of crime and it could correlate with all sorts of things—certainly place of residence, level of education, sex, income level, many, many things, some of which are—

The Chair: No one objects to those.

Mr Frankford: No, but I would just like to make sure that is not forgotten. Concentrating on race, as I say, whatever that means, pushes things in a certain direction. You can't change your race; you can change your education and your income.

The Chair: There are arguments on all sides of this issue.

Mr James J. Bradley (St Catharines): The issue that flows from what you said, Mr Chair, is the issue of dealing with—and I approach this with trepidation—whether the police board is going to be a full-time board then. That's what Mr Lymer suggested, that they should be out in the neighbourhood and so on all the time, and so the issue comes out. It's like the board of education. Someone decided a long time ago—probably the past Minister of Education was around at that time—that boards were going to be full-time, and they were going to pay them lots of money and have lots of staff for them, whereas in your area and my area of the province, the board is very part-time and the trustees don't have any staff.

So there is that, but the question starts arising that in Metropolitan Toronto, if indeed they're to do the job as Mr Lymer has suggested—perhaps David would look at the virtues and lack of virtues, or the need or lack of need of having a board which is in effect full-time.

The Chair: I'll show my bias on this: the fact that Susan Eng receives about \$100,000 a year, has a car and driver and an office and is in effect a full-time appointee. I think something that has bothered me, and I'm sure it's bothered Mr Lymer, is the fact that she's been on that board for over three years now and has not been out in a police cruiser, and she's there on a full-time basis.

When you're being critical of the cops on the beat but you've never really had even the most limited exposure to the kinds of challenges they face, I personally have a lot of difficulty with that, as does Mr Lymer and his association. I didn't infer from what he was saying that the board should be a full-time board. I think it was more of an implied criticism of some of the most vocal critics of the police who perhaps are not getting all of the messages that are out there.

Mr Bradley: I couldn't fairly attribute that to Mr Lymer. I just thought, flowing from that, one looks at: If this is such an important board, should it in fact be full-time? Should everybody be paid and should this be kind of a full-time job for people or not? My bias is probably similar

to the bias outside of Metropolitan Toronto, and that is that they should be part-time people.

However, one of the issues that David may wish to look at is whether there is any evidence to suggest that a full-time board would be any better than the present board in terms of being able to do some of the things that Mr Lymer suggested. My personal guess is that you don't need it, but there seemed to be a suggestion in Metropolitan Toronto that it's a very important position.

The Chair: Mr Marchese and then Mr Frankford.

Mr Frankford: Could I just ask a question?

The Chair: Okay. Sure.

Mr Frankford: Previously, was there ex officio a judge on the board?

Mr Pond: A judge was an actual member before 1990, and then the Police Services Act took the judge off.

Mr Frankford: And that judge would devote himself full-time to the board?

Mr Pond: No, part-time. Mr Bradley's right. The historical trend in Ontario is part-time members of police services boards, yes.

Mr Frankford: But this was not a judge who sort of took time off judging to be—

Mr Pond: No. In fact, Mr Lymer pointed out that in the past there have been some problems with conflict of interest, where judges in their judging capacity were hearing cases which originated in arbitration cases, which originated in the police force that they were on the board to oversee.

Ms Eng did say in her first appearance before the committee—I think it was her first—that something the committee might want to look at is precisely this issue, that she felt it necessary to be a full-time chair to do her job, but that was not the case for other police services boards elsewhere. So I think she sort of hinted that maybe one of the recommendations we make is that the act should be changed to reflect that.

Mr McLean: You can't change the act for all of Ontario and make every chair full-time.

Mr Pond: No.

Mr Murdoch: Just Toronto.

Mr Pond: No. Just her, that just her position would be the only full-time one formally. She's turned it into a full-time position, in effect.

Mr Marchese: Mr Chair, I think Mr Bradley was on the right track with what I was thinking as well. Just out of fairness to the board members, they're part-time. So I felt it was a bit unfair for Mr Lymer to level that criticism in the way that I thought I heard it. Yes, it would be wonderful if people could get around more, but for part-time people, I just don't know how much they can do beyond the regular meetings they attend and beyond the extra responsibilities that I think they carry.

I was a trustee with a library board for two years and initially they said, "Oh, there'll only be three meetings of the board and perhaps a few other meetings." Well, you go to the board meeting, then you go to two other subcommittees

that you're part of, and then you've got to go and visit the other libraries, and there are parties that you should attend because you need to know the people, and it turns out to be quite a job. That was not paid. There was no remuneration for that, nor would it have made it any easier if I got \$8,000, because the work is still the same.

Mr McLean: Would it help if you were elected?

Mr Marchese: This is a library board trustee, not a trustee with—oh, helped me? Well, I'm not sure about that. Actually, I don't know if that was the case.

So that was the point about the unfairness of the remark. Part-time people can't do what sometimes is expected, and I understand the frustration. It's because he disagrees with the views that obviously are expressed or levelled against him that somehow he says this is what they should do. I understand that, but I'm not convinced, Jim, that by having David look at the merits of full-time or part-time we will deal with this issue in terms of what you might be looking for, because I don't even know that even if they were full-time, it would change anything in this particular respect.

I think a lot of people attack us as politicians provincially for not getting around in our communities, and presumably we're full-time. The same criticism can be applied to councillors and everybody else in terms of their ability or inability to get down to the roots and understand the community.

In any case, I also think of Mark—I forget his last name—

The Chair: Wainberg.

Mr Marchese: —Wainberg, who held different opinions and on the other side, saying that, quite the contrary, the chair and all the other board members are all the same. In fact, they vote the same, and they're all—I don't know if he used the word "incompetent" or "useless"—

Mr Bradley: What you call the Waffle wing.

Mr Marchese: So you get two extreme points of view, one person saying, "They're not doing their job," and Mr Lymer saying, "God, we're frightened of these people in terms of the decisions they're making, because they're not reflecting the force."

What I do agree with, in terms of what the Chair proposed, was that David put together a whole list of concerns, because I think that would reflect the discussion of the different points of view and, if nothing else, it would be useful to have on record in that way.

The Chair: Are you all in agreement with that? Yes.

I think that does it for this morning. We'll break and reconvene at 2 o'clock for appointment reviews.

The committee recessed at 1133.

AFTERNOON SITTING

The committee resumed at 1408.

APPOINTMENTS REVIEW

Consideration of intended appointments.

The Chair: Please, if I can get the members' attention, we'll call the committee to order and get under way with the appointment reviews.

VICKI VAN WAGNER

The Chair: Our first witness this afternoon is Vicki Van Wagner, who is an intended appointee as a member of the Midwifery Transitional Council. Vicki, are you present? Would you like to come forward please and have a seat. Welcome to the committee. I'm sure you've been advised that this is a 30-minute review with 10 minutes to each party. You were selected for review by the official opposition and Mr Grandmaître's going to begin the questioning.

Mr Grandmaître: This has been a long battle for you. I was going through your CV and I think we can go back 15 or maybe 18 years that you've been fighting for this advantage, if I can call it that. Tell me what it really means to you and to your council.

Ms Vicki Van Wagner: I think one of the most important things about midwifery becoming a legally recognized profession is that in the past midwifery has only been accessible to a small number of women, those who could afford to pay midwives privately and those people who knew about midwifery as an alternative to the formal system. With midwifery becoming a part of the formal system, it means that women of any income level and not just the people who have friends who know midwives will be able to work with midwives.

Mr Grandmaître: Now you're going to tell me that there won't be any problems between doctors and nurses and you people, you're all going to be on side and it's going to be a big family.

Ms Van Wagner: Do you really want me to say anything like that? I think there's an incredible amount of progress that's been made between the health professions over the years I've worked on the issue. As you probably know, I have worked on the liaison committee to the Interim Regulatory Council on Midwifery, which is the precursor to the transitional council. In my role on the liaison committee I've met with quite a few of the other groups: the College of Physicians and Surgeons, the Ontario Medical Association, the College of Nurses of Ontario and the Ontario Nurses' Association. There is a lot of cooperation.

Just for example, at the meeting we had with the College of Physicians and Surgeons recently, it looked at all of our standards of practice and said, "I wish all the family physicians had such a good set of standards." There is a lot of potential for some really good cooperation, especially when you look at midwifery in other jurisdictions in Canada where it's quite a few years back from where we are. There is a lot more cooperation than there is in other places, so I am pretty optimistic about it.

That doesn't mean there won't be some struggles that we still have to go through. For example, there are nurses working on the labour floor who are feeling threatened about the possibility of midwives replacing them. I think it's really important that we make it very clear that midwives are playing a very different role than they do in some other countries they are familiar with.

In Britain, for example, midwives staff the labour floor like our current obstetrical nurses do. That will not be what happens in Ontario. Midwives will be care givers who have hospital privileges and will admit women rather than staffing the labour floor. Those nurses will still need to be doing their jobs taking care of and monitoring the women who have physicians as primary care givers. Midwives will be quite separate from that. I think there are some areas of misunderstanding that still need to be cleared up so that we can do even better with the other professions.

Mr Grandmaître: With the transitions that are going on within the Ministry of Health, and also our hospitals, do you think more nurses will join your forces and become midwives?

Ms Van Wagner: Yes, definitely. Currently of the membership of the Association of Ontario Midwives, which has almost all the practising midwives in the province as members, one third are nurses. I expect a sizeable proportion of the applicants to the midwifery school will be people with a background in nursing or in another related profession. The school has a commitment to giving advanced standing to those people, so I do think there will continue to be a strong relationship between the two professions.

Mr Grandmaître: Let's talk about money. As you know, nurses do make reasonable salaries. You people won't be making as much as an RN, if I'm correct.

Ms Van Wagner: I don't know why you would think that. In fact the Task Force on the Implementation of Midwifery in Ontario suggested that if midwives were salaried their salaries should fall between that of a senior salaried nurse and a family physician. That's because the level of responsibility a midwife takes as the primary care giver, as well as the sort of level of education and the working conditions of midwives who work on call, rather than nurses who work on shifts, adds to the responsibility that a midwife would take. Now that has not been determined yet, so your guess is as good as mine, but that was the recommendation of the task force in its 1987 report.

Mr Bradley: I have some questions. That leads me to the question of liability. It is alleged that it is difficult today to get people to go into—since I cannot pronounce obstetrician very well; I did it—to become an obstetrician, and the real reason is liability. They're afraid now of liability because there have been some suits. There is a pronounced effort these days to maintain life in children who are born, the premature children particularly. What provisions will there be or how will liability work for midwives?

Ms Van Wagner: What the interim regulatory council has recommended, and this will be passed on to the transition

council, is that every midwife have her own independent liability insurance. That means that each midwife would carry insurance herself rather than through an employer. That's very important if midwives are going to work in a number of settings. The definition of "midwifery" internationally and in Ontario is that the midwives work in a variety of places, not just in the hospital. It could be a birth centre or a home birth. So if midwives are going to be covered in all those places, they need their own liability insurance.

The Association of Ontario Midwives has negotiated with a private insurance company to provide us with malpractice insurance already, previous to regulation, and because of that we don't think there'll be any problem after regulation. The insurance companies see this as a market that's opening that they haven't had access to before.

Midwives have grown up in a climate where malpractice has been an issue, and I think in a sense physicians may be a little spoiled. They have their own self-insurance scheme that's given them very low rates to pay for insurance, and as they've gone up in the past five years, there have been a lot of complaints from physicians about that. We've sort of begun practising knowing that that's reality, so midwives are already paying the same rates as family physicians for malpractice insurance and expect to have to do that in the future. I don't see that as a big issue. I think that's already sort of been settled.

Mr Bradley: I was concerned about that for your sake, because I know you're not working in a particular setting where you can have one set of coverage. The coverage has to move with you.

Ms Van Wagner: Exactly.

Mr Bradley: It really suggests that you would have to have independent coverage, because some people might want to be born in a home. Interestingly enough, I myself was born in a house, not in a hospital.

Ms Van Wagner: I wonder if your midwife had malpractice insurance.

Mr Bradley: There are some people on the government side who think malpractice took place. We won't get into that one; we'll all get into trouble.

I had a constituent come to my office, and she was from Britain. She said if she came over to Canada as a nurse and wanted to become a nurse, it was relatively routine to become a nurse, but she couldn't become a midwife, and "Why not?" First of all, is this correct and, if it is, what is the reason for that?

Ms Van Wagner: Up until now, she could become a midwife simply by starting a practice. That probably wasn't satisfactory to her. She probably wanted legal recognition. So I guess the question's about the future.

Even now, all of us who are practising, because proclamation hasn't happened yet—which is a big concern, to get that to happen as quickly as possible—are practising still without legal recognition. A lot of the midwives from other countries have not been very happy about that and haven't wanted to practise. But in the future one of the biggest jobs the transition council will face is the issue of the registration of people who present their credentials as equivalent to Ontario's.

It's a big challenge because Ontario is one of the first places in the world that has chosen to have a baccalaureate-level program for midwifery. Midwifery in most other places is in a hospital-based school, very similar to the way nursing programs used to be in Ontario. To look at curriculums from all around the world and determine what's equivalent not only to the midwifery training but also to the baccalaureate level will require a lot of work, but that is one of the jobs of the transition council, to proceed with that.

Interjection.

The Chair: I'm sorry, we don't have time. Mr McLean.

Mr McLean: In 1991 the government unveiled an intern education program for women already in. How is that program working?

Ms Van Wagner: The final month of the theoretical intensive—it starts with a theoretical intensive, divided into three different months—is just about complete. It's divided into three parts: There's the theoretical, then a clinical component and then a component which is an integration into the health care system. Almost all the midwives in the province have gone through the theoretical, which involved three written examinations, an oral examination, a review of cases and a research project, both a written and oral presentation—quite gruelling for one month.

Mr McLean: How many would there be now who've gone through this?

Ms Van Wagner: There are about 75 currently practising midwives who are in that program.

Mr McLean: Across the province?

Ms Van Wagner: Across the province. After we go through that theoretical part, then we move on to a clinical component. The faculty who are running the program are four midwives from European countries and New Zealand. They will be following us to our practices, watching antenatal visits, post-natal visits, births themselves. Also, a big part of the clinical review is a review of the charts and records kept by the midwives. After that, the final component involves going into the hospital, spending a few days on the labour floor, following an obstetrician around for a day, following a family practice doctor around for a day and a few other things, community health centre, public health unit.

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Mr McLean: How many midwives are licensed to practise in Ontario now?

Ms Van Wagner: No one's licensed to practise as a midwife. As to people who hold licences from other countries, there are probably 2,000 to 3,000 midwives from other countries. Many of them wouldn't have practised for many years, and so their credentials, even in their own country, would be seen to be out of date.

Mr McLean: The minister predicted that as a result of these initiatives, fully licensed midwives will be practising in the province by the summer of 1993.

Ms Van Wagner: As to the summer of 1993, I'm not sure. There isn't a concrete idea about when people will graduate from that program yet. I think it may well take to the fall of 1993, but it's a one-year program, so it has to be over by October 1, 1993. That would give 75 midwives if everyone passed.

Mr McLean: The fees indicate the cost is between \$550 and \$100. What do you estimate is going to be the cost per midwife per birth?

Ms Van Wagner: The issue of cost and midwifery is a complex one. Midwives spend a lot more time with women in labour than physicians currently do. That's sort of the essence of what midwifery is: spending time with the woman in labour and assisting with human help instead of drugs or technology. That's the basis of midwifery. So midwifery is fairly costly in terms of the actual hours of time that the midwife spends.

However, I think the very important thing is that midwives have demonstrated all over the world that rates of intervention in the birth process are lowered. You may pay a midwife a bit more money than you'd pay the current nurse-physician team to be there at the labour, but if that means the woman avoids a Caesarean section twice as often as in the other system, the health care system will be saved quite a lot of money. So there are a number of things you have to take into account when you're talking about the cost of that particular health service.

Mr McLean: I thought there was going to be a saving, but the more I read about it, the more doubts I have about it, because there's also talk now about allowing midwives to practise in hospitals. There have been recommendations that midwives be allowed to practise in hospitals. Is that not going to be more of a burden, a cost? I thought the midwives were going to follow them through and have the child at home. I'm seeing now that they're going to follow it through and the child is still going to end up being born at the hospital.

Ms Van Wagner: Right now, even our current client group that chooses midwives chooses to go to the hospital about half the time, so there is a group of people who will choose midwives, who want to give birth at home or in a birth centre, and the cost savings are obvious on that level.

In the hospital, though, midwives are used in many countries to reduce the hospital stay. Right now a lot of women who want to have a hospital birth will come to us and they'll say, "I want to go into the hospital at the last possible minute, but I'd like to be near all that technology when I'm actually having my baby." But if everything's fine, they want to leave at the first possible minute. So rather than people spending six days in the hospital, women can sometimes spend six hours in the hospital, and that will be a cost saving even for hospital births.

I think it's the rate of intervention that is the biggest cost saving. As you know, in the province there's a big move to try to reduce the rate of Caesarean sections. If you look at a country like Holland, where 50% of women are cared for by midwives, they have a Caesarean section rate of 6%, with a better perinatal mortality rate than we have in Canada. In Ontario, I know it's 20.3% Caesarean sections. I

think if you look at midwifery as a way to reduce surgery and the use of pharmacologic agents in childbirth, you're going to see a big saving. Epidural anaesthesia costs a lot.

Mr McLean: In your opinion, what would be the average billing that a midwife would make to the ministry for the services she plans on providing for that midwifery?

Ms Van Wagner: It's the understanding of the Association of Ontario Midwives that there won't be direct billing of the ministry and that it won't be fee-for-service. Midwives are quite willing to work within a salary system or a capitation system, which would be a much more controllable expense for the health care system than the current fee-for-service system.

The Chair: Any further questions? Mr Frankford.

Mr Frankford: Welcome. I've worked with midwives in my training in England, and of course that was the British model of salaried or labour floor nurses, if you like. That's one model.

I think the payment system is fundamental in many ways. I agree with you that it's highly unlikely we're going to get new fee-for-service arrangements and you mentioned salary or capitation. It's interesting that you mentioned capitation. I don't know if you read this from the Task Force on the Implementation of Midwifery in Ontario, page 99: There is a suggestion about a capitation arrangement. Do you have any thoughts on that or could you elaborate?

Ms Van Wagner: Yes. I think even if you have a salary system, you have to have some form of capitation because you have to expect that a midwife will do a certain number of births per year in order to earn that salary. In essence, it always has to be connected to capitation if you have a community-based midwife who is being paid to provide midwifery care.

There's been a lot of discussion in the association of midwives about what a reasonable workload is, how that is different in different geographical areas and how that's different depending on the client population. So there are a lot of different variables that are involved.

Midwives have, outside of the regulated system, been working on a fee per course of care, so that in essence is a kind of capitation. We're very comfortable with that.

Obviously, there are some advantages to a salary system. Midwives are almost exclusively women and the idea of having a kind of benefit arrangement—things like maternity leaves are fairly close to midwives' hearts and so far we've had to work without any of those kinds of arrangements. There are pros and cons on both sides and we're in discussions with the Ministry of Health about what the best system would be.

Mr Frankford: Could you elaborate for me, and perhaps for my colleagues, what your interpretation of "capitation" means here. My interpretation is a per capita arrangement of payment for a gross population, overall, pregnant or not, maybe even male and female, and that the per capita allowance per individual is your revenues. Is that what you're saying?

Ms Van Wagner: I think there are two different ways to look at it for midwifery. One is that midwives could fit

into something like the currently existing health service organization or currently existing community health centre, and the way midwifery is paid would be evaluated in accordance with the way moneys are given to those organizations. There's also the possibility of a group practice of midwives being paid for the number of pregnant women they take care of, and in that sense it's less population based than it is based on pregnant women themselves.

Mr Frankford: With the HSOs—and I must admit I made the submission. Since at the present time, in theory there is a capitation rate for obstetricians, my feeling is that could be changed. Instead of being a physician rate it could be a service rate, so that would give you an obstetrics budget which could easily be allocated to midwives.

Ms Van Wagner: One of our priorities in the association of midwives is that there would be a funding system that makes it possible for midwives to work in a whole variety of arrangements. You could have a midwifery unit in a hospital, if the hospital wants a midwifery unit, and especially in a small community where a small hospital may be one of the main places that health care is delivered. In a place like Toronto, you could have midwives with a group of family practitioners who are fee-for-service practitioners, a group of family practitioners who are in an HSO or in a community health centre. It has to work in all of those places.

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Mr Frankford: Can I ask you about how you see the practicality or the problems involved in hospital privileges? Should there be legislation? Will it be just straightforward or are you going to get particular rules for particular places, as I think in practice is the situation with physicians now, that one is not automatically guaranteed privileges?

Ms Van Wagner: Yes. Right now the interim regulatory council has been talking with the Ontario Hospital Association, and we are hoping that the way for hospital privileges for midwives will be very much smoothed through the Ontario Hospital Association putting out some guidelines that would make it fairly uniform for the process that a midwife would have to go to, to get credentialed within the hospital. There's no question that different hospitals work slightly differently. Already, midwives in the community know that if you work with family physicians or obstetricians at Toronto General, you may have a slightly different set of rules that you work by than if you work at Toronto East General, for example, and that's just life in the health care system.

But the OHA and, as we said, the College of Physicians and Surgeons, really like the clarity of the regulations and the standards that have already been set by the interim regulatory council, so I think it's going to be fairly smooth. One of the things that I understand is currently being talked about in the ministry is a revision of the current Public Hospitals Act to allow midwives to practise as soon as they are registered in the province, even before the complete amendment of the Public Hospitals Act, because that's been delayed; that might take up to two years.

One of our big concerns about everything, funding, hospital privileges, proclamation is that there really is a

necessity for a number of different initiatives in the ministry to come together at the same time. You don't want to have registered midwives who don't have hospital privileges, or who don't have funding for their services. You don't want people to graduate from the pre-registration program and not be able to be registered. Next fall, there's a number of initiatives that have to come together to make all the changes make sense.

Mr Frankford: Would you say that you might have to be accountable to the chief of medical staff or the chief of obstetrics, and how do you feel about that?

Ms Van Wagner: Eventually, when there are enough midwives, we would hope there would be a department of midwifery within the hospital. However, in the meantime, we expect that we would need to report to the chief of the department of obstetrics. The medical people and the Ontario Hospital Association feel quite comfortable with that.

Mr Frankford: Do you envision there being criteria for midwifery as to when you have to refer?

Ms Van Wagner: Yes. We already have a set of standards. Because midwives go for practice, in the act it's very clearly laid out as normal pregnancy and childbirth. There's no question that referral is a big part of a midwife's job, so that's already laid out to quite a detailed extent in the standards. It's called the mandatory consultation and transfer of care document from the interim regulatory council. That document lays it out quite specifically.

But as I said, a certain obstetrician in a certain hospital may want to discuss with a midwife conditions in that particular hospital that might be slightly different than that. That's the reality for family practice physicians right now. If you work at Women's College, the rules are slightly different than at Toronto General. That's the way it'll be for us too. We know that.

The Chair: That's it. No more questions? That concludes your appearance, Ms Van Wagner. Thank you very much and we wish you well.

Ms Van Wagner: Thank you.

WILLIAM J. CORCORAN

The Chair: Our next witness is William Corcoran, who is the intended appointee as vice-chair of the Ontario Public Service Pension Board. Mr Corcoran, welcome to the committee, sir.

Mr William J. Corcoran: Thank you.

The Chair: This is a half-hour review. I didn't afford Ms Van Wagner the opportunity, and I apologize for that, but I'll afford to you, if you wish, a quick opening comment, a minute or two or three. Or shall we get right into questions?

Mr Corcoran: I'll be delighted to answer whatever you wish.

The Chair: All right. You were selected for review by the Conservative Party, so I'll ask Mr McLean to begin the questioning.

Mr McLean: Why did you apply for this position?

Mr Corcoran: I've had this position for three years, Mr McLean. I was appointed by the previous government three years ago, and I've enjoyed it immensely. I like it.

Mr McLean: Is there any pay in it?

Mr Corcoran: Yes, there is.

Mr McLean: How much do you make?

Mr Corcoran: I have made \$250 a meeting for the last three years, and now I will make \$35,000 a year.

Mr McLean: Plus expenses.

Mr Corcoran: No. No expenses.

Mr McLean: And you have another job besides this?

Mr Corcoran: Yes, I do.

Mr McLean: Is that full-time?

Mr Corcoran: It's full-time except for what I'm doing here. I also have other responsibilities, but yes, it is a full-time job.

Mr McLean: And this is a part-time job?

Mr Corcoran: Yes, this is a part-time job.

Mr McLean: Okay. There are 91,000 people on pension in the province of Ontario. Are we going to run out of funds? In what year?

Mr Marchese: He was specific about that.

Mr Grandmaitre: You'd have to declare a conflict of interest.

Mr Corcoran: Let me explain to you how we organize this thing and how we do it, because I think that will have to answer. This fund was set up three years ago, and it's now slightly over \$10 billion. There are five members of the investment department, all members of the board, and we do not invest any of the money; we hire people to invest it for us. We have nine different investment counsel, two in Europe and seven here, and we tell them how we would like them to invest the money.

Now, what we were told when we assumed these responsibilities, the first thing was to get a 4.5% real return. What that means is to get 4.5% after inflation, which in these days would be 6.5%. Then the second thing is, because you're never absolutely sure which asset's going to go up or which asset's going to go down, to balance the thing out, we say it's going to be 60% debt obligations and 40% equities, which would include real estate.

We took over this responsibility three years ago. To answer your question, we said to ourselves, "We have to make every dollar," and we watch this thing like a hawk. We are trying to get 4.5% real and we are trying to save every dollar and make every dollar. So for the first year, we only bought short-term instruments, because they were yielding 12% and it was a terrible year in the bond market and a terrible year in the stock market. If you had a typical investment fund that year, they ranged anywhere from making nothing to losing 10%.

The Caisse de dépôt et placement, with \$37 billion, made less than 1% in 1990; that was our first year. We made 11.6%. So we said, "We are going to make haste very slowly" to get to a stage where we have 60%, 40% equity. Our sense was that we were in quite tricky times—this was back in 1990—so we hired seven counsellors and we told them: "Be very, very conservative. We don't necessarily want you to be the first or anything, but you watch

this money. This is the pensioners' money, and we don't want you taking crazy risks."

The net effect of that, three years after the fact, is that in our portfolio we have no real estate. Real estate was the greatest investment you could make from 1945 to 1988. This is a long-term fund and there will be a time to buy real estate, but our sense of the matter is that it isn't the time yet.

Mr McLean: You have money invested in pretty near every country, haven't you? You've got Swiss francs, Belgian francs, Netherland guilders, Italian lire, Danish kroner, Norwegian kroner, Swedish kronor.

Mr Corcoran: Yes.

Mr McLean: You invested in every country, except US dollars.

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Mr Corcoran: Oh yes, we have. US stocks have made about 14% in the last three years; they've been the place to be. Canadian stocks have lost 2%, and Europeans have been up and down. In the judgement of our investment people, who have the right to buy US-Canadian stocks and US-Canadian bonds, we have 6.5% or 7% US stocks, 2.25% Canadian stocks.

So two things in the last three years you haven't done well on: Real estate we don't have, and Canadian stocks you haven't done well on; we have 2.25%. We're break-even in the European, and we only have less than 1% in that. We're well up in our bonds and we're well up in the American stocks.

Mr McLean: Whenever I read about the market in the financial pages, they indicate that over the past about three years they've been 11% on average. That hasn't been the case with your investments, from what you're telling me.

Mr Corcoran: No, we've done better than that. We've made 11.6%, 14%, and this year I think it's 12%.

Mr McLean: The Public Service Superannuation Act, the teachers' pensions: There was an awful cry a while ago that "We're going to run out of money." What year is that going to happen, or is the government going to have to bail them out?

Mr Corcoran: Well, it depends on two things. We have a deficiency in the fund of \$2.5 billion. That's not the investment; that's what the pensioners get against an actuarial calculation.

Mr McLean: What's the unfunded liability?

Mr Corcoran: That's what I mean: \$2.5 billion. Now, to the extent that you improve investments, you can bring that down; that goes up and down depending on exactly what the pensioners are going to get. So the question of running out of money—well, all we can do is to do the very best we can, and what has happened in the last few years in this fund has been good.

Mr McLean: I know you're going to do the best you can, but are you going to run out of money?

Mr Corcoran: No, we're not going to run out of money.

Mr McLean: Okay. So the government's going to pick up any unfunded liability that may arise?

Mr Corcoran: That's the legal department.

Mr McLean: What does the public service pension board mainly deal with? How it's invested? I think there are other things you deal with, such as different criteria laid out for collecting pensions. What is your main issue? When you meet—how many times a year, I don't know—what is the main thing on your agenda?

Mr Corcoran: The investment area, of which I'm the chairman, meets every month. The board I think meets four to five times a year. What do we talk about? Well, there are other committees of the board. One of the things that was a problem in 1990 is that an enormous number of people's inquiries weren't being properly answered. The administration has improved that very dramatically, and the response time is moving up. So they've spent a lot of time on that one.

Mr McLean: Who meets once a month?

Mr Corcoran: The investment.

Mr McLean: And who meets five times a year?

Mr Corcoran: The full board. But other committees would meet, in addition to the full board.

Mr McLean: How many times?

Mr Corcoran: Well, nothing meets as much as the investment committee, because that's ongoing.

Mr McLean: Would they meet weekly?

Mr Corcoran: Oh, no. They would meet two or three times other than the full board.

Mr McLean: So you have about 18 meetings a year. Then you would be getting paid just about as much as Armstrong: \$1,000 a day.

Mr Corcoran: No, no.

Mr McLean: Well, pretty close to it.

Mr Corcoran: I've met Mr Armstrong. No, no. Between meetings, if you have the responsibility on the investment side, you are in constant touch with the chairman and—

Mr McLean: How much does the chairman make in a year?

Mr Corcoran: How much does he make? I'm not exactly sure. I think it's somewhere in the order of—well, I don't exactly know.

Mr McLean: It must be \$100,000.

Mr Corcoran: It's more than that.

Mr McLean: Wasn't John Kruger the chairman of that pension board for a while?

Mr Corcoran: Don't hold me to it, but I think it's \$120,000. But I don't know.

Mr McLean: Yes, I would think so. Not a bad hourly wage. Better than we get.

The Chair: Mr Frankford.

Mr Frankford: You're aware of the proposal for an Ontario investment fund.

Mr Corcoran: Yes, I am.

Mr Frankford: Without asking you to say what this fund is going to be, yours and similar funds have significant pools of capital.

Mr Corcoran: Yes.

Mr Frankford: How do you feel about investing in ourselves?

Mr Corcoran: On a very fundamental basis, these pensions come from the productivity of this province. To answer Mr McLean, nobody's going to have any money unless we have some business in this province, so let's start at square one.

As I understand it, Mr Chee has been working on the investment fund. He's modified it slightly, and in the last proposal I heard—and I'm out of date on this, Mr Frankford—the money required had been downgraded from \$2 billion to \$500 million, and the approach was to be on a joint approach in that the fund would put up so much money and other people in the venture—business—would put up so much money, which I think is a good approach. But I haven't seen the final analysis and we haven't been approached.

Mr Frankford: So you wouldn't exclude the possibility of some investment in it?

Mr Corcoran: No. My responsibility is to make sure the pensioners do well, okay? We're not Santa Claus but, at the same time, do I think what's going along there—the last time I listened to Felix, I thought this looked okay. It's getting more sensible, it's getting up there.

Mr Frankford: I look at your list of actual investments in the portfolio and I just wonder about any guidelines you have as to where to invest. I note a particular investment in tobacco stocks. I see you've got Philip Morris, you've got Imasco, you've got BAT. I would say that's very controversial. Do we not in fact have a stake in that? Isn't there a real conflict? You represent pensioners from the Ministry of Health; the Ministry of Health is actively working to stop tobacco consumption. Shouldn't there be a guideline just to exclude such investment entirely?

Mr Corcoran: We have not made that guideline with the people who are investing the money; we have not, to date. Your point is we should, I take it?

Mr Frankford: Yes.

Mr Corcoran: I'm not saying yes or no. I've said we haven't. I've heard your question.

The Chair: Mr Marchese.

Mr Marchese: Just to follow up on the previous question regarding the Ontario investment fund, some critics say: "The public pension funds in Ontario are well managed and currently generate high rates of return. The government should not tinker with a policy that works."

Other critics might say: "The money in a pension plan constitutes the deferred wages of the contributors. It is their money, not the government's." "The public pension funds are already invested in part in the kind of companies the discussion paper argues need to be targeted," and other suggestions or criticisms from people in the private sector.

How do you respond to some of those criticisms?

Mr Corcoran: I sort of get a kick out of some of those criticisms, to be perfectly frank. My business is the money business: I look at it very carefully. Some of the people who seem to be terribly critical of this fund don't seem to be making much money themselves. You know where the thrust of the whole thing's coming from, and I'm sort of supportive of that thrust. You go back to this fundamental: Nobody gets a pension unless there's some business conducted in this province, so let's not jump up and down and say it's goofy.

On the other hand, any trustee of a pension plan has as his fundamental responsibility the assets of the pensioners. You can see from my reply—if there's something that looks sensible and it looks like it can be a satisfactory return for the pensioners and it's to do with Ontario, okay. In the realm of the critics, and you've read all the critics and that kind of stuff, I'm much closer to the not-so-critical.

Mr Marchese: Okay, Mr Corcoran—do I have another minute or two?

1450

The Chair: Yes. You have time, there's no problem.

Mr Marchese: I wanted to ask you about who is involved in making the decisions around what investments are made. Is there a small group of people? Is it a few? Ten? Who's involved in making those major decisions?

Mr Corcoran: There are five on the investment committee and those five have to enunciate a policy. As I mentioned, we have hired nine investment counsellors who carry out the policy, and we say to them, "Here's what we wish you to do," and then we monitor what they do. These are very capable people, but you have to say what it is you wish them to do.

Mr Marchese: All right. So it's five people who direct these nine people you hire across the world to invest all this for you.

Mr Corcoran: Yes.

Mr Marchese: In what way do you communicate to the 90,000 members you have about what investment decisions you are proposing? Do they have a say? Do they ever have a say? How do you consult them? Do you consult them?

Mr Corcoran: No, we don't consult them, but I would think the proper way is that they should have representatives on the board. It's their money; they should be there and they should see what is happening, and they should be convinced that this is being done in the interests of their members. We send out an annual report and we send out—and I would think as it grows we will enlarge the description of what we're doing—but I think the best way is to have representatives of the various groups we represent—you know who they are—right on the board.

Mr Marchese: And we don't have them.

Mr McLean: Some.

Mr Corcoran: Well, there are some, but there's a new board sort of coming along now and we haven't had a union representative, we haven't had—but that's by far the best way and they understand it.

Mr Marchese: So what are some of the barriers to making that happen?

Mr Corcoran: It's just a matter of appointing these people.

Mr Marchese: Have you proposed that, or has this committee that makes the investment proposals proposed enlarging the board to make sure we have the kind of representation you speak of?

Mr Corcoran: No. The board is appointed by the government, and the representation on the board is now in the process of being changed.

Mr Marchese: I understand that.

Mr Corcoran: The government, I think, is probably looking very closely at what kind of people they want to have on the board, because in the final analysis—

Mr Marchese: I understand that too. But have the five of you, given that you think it's a good idea to make sure we get the kind of representation you speak of, thought about recommending this to the government, to the minister?

Mr Corcoran: I guess I have and the rest of the five haven't. There's the chairman, Mr Somerville, and myself. It's Mr Somerville who's been in contact, and I'm sure he's made these kinds of comments before.

Mr Marchese: Thank you.

Mr Corcoran: You see, the representative, Harriet Dekoven—she is a civil servant—has been on the board and she is a very clever woman. She was representing one part, and now her representation's going to be taken by somebody else. But you could be absolutely sure on all the meetings, because she was the one person who really represented these people whose money it is. You pay a hell of a lot of attention to Harriet, because she has to go back and tell other people what these birds are doing, and that kind of stuff.

The Chair: Are there any additional questions?

Mr Bradley: The Ontario investment fund has been mentioned over many months—some rather interesting comments from those who are recoiling at the very thought of it. What views would you have on the Ontario investment fund?

Mr Corcoran: The Ontario investment fund? As I think I mentioned, there have been a lot of people commenting on it, and my view is not: "Throw this thing out. It's terrible. I never want to hear about it." There are some people saying that.

Mr Bradley: Yes, I have heard that.

Mr Corcoran: I'm a little back here and saying, "Look, we have the fundamental responsibility to the pensioners, and these are their assets and we're not going to do something we don't think is going to be profitable." But in that regard, if something were put together—as I indicated to the member, what I hear most recently with the amendments is that it's getting pretty close to practical stuff, the kind of partnership with people who are in this business and are moneymakers and this kind of stuff. I think that may make some degree of sense. But I haven't

got a final proposal in to which I can say yes or no or "I can buy it" or "I can't buy it."

Mr Bradley: We often hear doomsday stories about pension plans and the future for the young people coming through our society today because we have an aging population, not a very high birth rate in the province and many people retiring much earlier than they would ever have contemplated in the past. There's been a concern expressed, validly or not, about the Canada pension plan.

You're knowledgeable in the field. Do you have any views about the Canada pension plan and its potential for continuing to provide benefits to people across the country, and specifically in Ontario, in light of the present level of contributions that are made by those in the workforce?

Mr Corcoran: I don't know if the Canada pension plan moneys are put aside like these moneys. My suspicion is that it's an item of the federal government where it goes in and it comes out but it's not—

Mr Bradley: On paper; in other words, it's a paper exchange.

Mr Corcoran: Yes. You don't have assets.

Mr Bradley: You hear of the federal government borrowing from the Canada pension plan to do various things. At least we've heard that in the past. I guess there is a concern out there among a lot of people. I used to listen to certain people who are expert in the field make these doomsday predictions and, as an expert in the field, I assure you that no one else will understand what they are talking about when they're doing that.

Mr Corcoran: Yes, that is absolutely correct.

Mr Bradley: Do you follow the doomsday scenario?

Mr Corcoran: No.

Mr Bradley: Do you think not that all will be well but that the chances are that we're not going to be facing some crisis in 15 or 20 years?

Mr Corcoran: To the degree that this fund has been successful, and in the last three years it really has been very successful, it's because of the appreciation that we're coming into a very difficult time which is proving quite difficult economically. You're seeing companies and you're seeing various individuals being replaced, and this society is going through a hell of a change; not this society necessarily, but American society and Japanese and German and French. It's a hell of a change. I'm sort of optimistic. We're going to get through this thing somehow.

Mr Grandmaître: In spite of Bob Rae?

Mr Bradley: Let's not be partisan in this committee; I'm opposed to partisanship.

Mr Corcoran: But, you know, there's a book a week pointing that out, and it's not merely Ontario or Canada, but it's the US, Japan. They've got a lot of problems.

Mr Grandmaître: What are your thoughts on the Ontario investment fund?

Mr Corcoran: Pardon?

Mr Grandmaître: On the OIF, the Ontario investment fund, what are your thoughts?

Mr Bradley: Any further thoughts, in other words.

Mr Grandmaître: Yes. Any further thoughts?

Mr Corcoran: We were talking about the doomsday stuff and all that kind of stuff, and what's happening is that some of the older—

1500

Mr Bradley: We've asked this question three times because we get asked it about seven times a week.

Mr Corcoran: Yes. Many of the new businesses that are replacing the old businesses that are falling apart are the kinds of businesses that the Ontario investment fund indicates it would invest in. There's an economist called Nuala Beck who is keeping track of, "Here's a declining industry; here's a growing industry." I think she was in the Globe and Mail today and she pointed out, "Okay, it seems steel is going down but communications is going up."

If the thing is put together intelligently, where it's a partnership with professional investors who are investing money and their money and they're going to take a risk on it and they'll lose real money, okay, it may not be so bad.

Mr Grandmaître: I know what Mr Laughren is saying, that this will be a voluntary system, but some people have resented Mr Laughren's approach.

Mr Bradley: All good union people.

Mr Grandmaître: All good union people, and I can't figure that one out, but they're very concerned about the government's vision of the financial future of this province. This is why some unions are very reluctant. I don't know how many people right now have responded positively to Mr Laughren. I haven't heard of anybody yet. Have you?

Mr Marchese: I think there are a few, Ben.

Mr Grandmaître: Have you heard of anybody?

Mr Corcoran: I just don't know. We haven't been asked ourselves. We had initial discussions. I just don't know.

The Chair: That's it. I gather there are no further questions, Mr Corcoran. Thank you for appearing before the committee today.

BETTY WU-LAWRENCE

The Chair: The next witness is Betty Wu-Lawrence, who is an intended appointee as a member of the Midwifery Transitional Council. Welcome to the committee.

Ms Betty Wu-Lawrence: Good afternoon.

The Chair: You were selected for review by the government party. Mr Frankford will begin the questioning.

Mr Frankford: Welcome. I guess you were here when the other—

Ms Wu-Lawrence: Yes, I was.

Mr Frankford: Can you say what sort of perspective you would add?

Ms Wu-Lawrence: The perspective of participating in the transitional council?

Mr Frankford: Yes.

Ms Wu-Lawrence: I'd like to explain that mainly because, first of all, I'm a parent and I had very positive experiences in delivering my children. I remember it

couldn't have been possible without the help of two especially capable trained paraprofessionals. I'd like to see this service available to the public.

I have been a public health nurse. I have provided pre-natal and post-natal care to women, I visited them in the home and I have seen the need for such midwifery services to these women. Now I'm working as a community health officer. I had the opportunity to liaise with community groups, and I'm sure I can provide that service of encouraging sharing of resources and also making the service accessible to the public and vice versa.

Being Chinese myself, I was raised in a culture which is very much familiar with the concept of midwifery practice. As president of the Chinese Canadian Nurses Association, often I discuss with my members that they think it's very good for the public to advocate for midwifery service. A lot of my members like to make this service available to the public. For all those reasons, I'm very excited to be able to participate in the transitional council.

Mr Frankford: Among the Chinese nurses, is there a significant number of people who are trained overseas?

Ms Wu-Lawrence: Yes, after their basic nursing training in Hong Kong, a lot of them personally chose to go through the maternity training process and a lot of them practised as midwives in Hong Kong before they came here. But unfortunately, with the process not available for them to practise here, a lot of them are not doing that now.

Mr Frankford: Have you had thoughts on how you would bring them into qualification here?

Ms Wu-Lawrence: Surely. I think I would like to participate, first of all, in making available to the general public that such a process is available. Then I would translate that process to my Chinese nursing members, and also get feedback from them how they could practise efficiently to provide that service to the public as a whole.

Mr Frankford: I know you're in the east end. Have you had any thoughts as to where it would be implemented? Are you thinking of hospital, home, free-standing facility? Have you gone into that in any depth?

Ms Wu-Lawrence: I think the choice would be to make it possible for the consumers to choose where is most comfortable for them to get that kind of service. I can envisage the starting point will be a community health centre to initiate that kind of service, in partnership with other professionals, then in negotiation and also collaboration with the consumers to decide which other facilities they would start with. Traditionally, a lot of the Chinese had their children in their homes, just the fact that culturally it was a peasant—we're very familiar with that.

Mr Frankford: Have you had any thoughts about the payment mechanism: salary, fee-for-service, capitation?

Ms Wu-Lawrence: No, that's the least of my worries, because I think to make the experience a healthy experience for both the service provider and the consumers is the primary goal. How the fee is being provided, I've seen a lot of my Chinese nurse members who were providing these informal education services to their friends, to the neighbours; none of them got any remuneration with financial—

Mr Frankford: Is there a lot of midwifery going on in the east end informally, would you say?

Ms Wu-Lawrence: Yes, definitely, because we more or less can anticipate, due to the language barriers, and also the lack of time available from obstetricians because the case load is so heavy, and where do these women get information? Basically, some people who they recognize were trained where they come from, Hong Kong or their home country—to get that information because if I'm delivering a child, I want to make sure I know everything. Otherwise, I couldn't go to sleep.

The Chair: Mr Marchese, no further questions?

Mr Marchese: No.

The Chair: Mr Grandmaître?

Mr Grandmaître: No. Good luck to you.

The Chair: Mr McLean?

Mr McLean: I have some questions I'd like to ask. It has to do with the announcement that was made by the ministers, Richard Allen and Frances Lankin, with regard to the offer of a bachelor's degree program in midwifery. Can I have your views on that? They indicate that they want to start in September. About four different universities are going to offer those programs. Could you enlighten me on how that's going to work?

Ms Wu-Lawrence: The baccalaureate program?

Mr McLean: The program to upgrade. They figure there's going to be 26 students who will be accepted for the first year of the program. The curriculum will include basic sciences, social sciences, health sciences and women's studies, and these people are going to have a bachelor's degree program in midwifery.

Ms Wu-Lawrence: I think the bottom line for such training is safety to the consumers and the second point is access. I haven't been involved in developing the curriculum, but my goal in my participation in the transitional council, no matter what the curriculum is, is to ensure—the professional wants to advocate for safety for the community, and also access to the skill, providing choice, providing negotiation to which agency or facility the client chooses. So the curriculum, at this moment, as I understand it, will require baccalaureate training. I think more education will facilitate a professional to work with the client. I always liked education. To me, I've committed to lifetime education and I believe women like that. I think the community, as a whole, will benefit from it.

1510

Mr McLean: Do you think those people who would go through that program should be a nurse first?

Ms Wu-Lawrence: No. I don't think that much is compulsory. But within the curriculum of training, the students should be given skill in understanding the basic training which a nurse usually receives and providing that.

Mr McLean: Are you a nurse yourself?

Ms Wu-Lawrence: Yes.

Mr McLean: My understanding is that you don't have to be a nurse to go through and graduate to be a licensed midwife, but the Ontario Nurses' Association argues that

the act should be amended to require midwives to be nurses and regulated by the College of Nurses. Do you not agree with that?

Ms Wu-Lawrence: I have not been involved with such a controversy. I respect the research the interim council has done. I still need to listen to both sides and support the work of the rest of the transitional council members.

Mr McLean: So your opinion is that in order to be a midwife, you don't have to be a nurse or go through that—

Ms Wu-Lawrence: At this time, I still need to hear thoroughly the Ontario Nurses' Association's argument. At this point, I really don't have that strong a position. My motive, more basically, is to see this baby of midwifery service delivered with your help.

Mr McLean: That's right. Midwives, in my estimation—it was supposed to be that most of the work would be done at home and most of the babies would be born at home, but to me, that now does not appear to be the major thrust of what this council would be doing.

Ms Wu-Lawrence: It depends on where the comfort level of the client is. If the client thinks the facilities in the home could not provide her that, I don't think the professional should force her opinion and say, "It's better for you to have the child in the home." As we know, a lot of women I visit do not have a lot of luxury in their homes. As you know, in the east end, the east Toronto community, a lot of Chinese families may have only a bachelor apartment, and if, for the interests of the baby in the first two days, she requests, "I need a place, with your help, to deliver the child in other facilities," maybe we need to advocate that, yes.

Mr McLean: Do you think there should be a midwife profession whereby they would be regulated by the province and licensed by the province in order to carry out their duties as a midwife?

Ms Wu-Lawrence: Yes. If we want to ensure the safety of such service to the public, and I'm sure the government could provide that safety. I trust that, and I think the community has such faith in the government to do that.

The Chair: Thank you very much. That concludes the questions. We thank you for taking the time out to be here today and we wish you well.

Ms Wu-Lawrence: Thank you for the experience.

SUBCOMMITTEE REPORT

The Chair: We're going to deal now, members, with the subcommittee report which you have in front of you. If you look at your agenda, it indicates we still have John McCamus, but he indicated to the clerk's office that he wouldn't be here until around 3:45. That's why we've built that recess into the agenda.

One thing we can deal with right now is the report of the subcommittee, which met Monday and dealt with two matters, the letter from the Toronto Mayor's Committee on Community and Race Relations, which was an indication of a willingness to appear before us as a committee, and was really in response to Dr Chong's appearance before us

and the fact that there was some concern that he was here representing the committee. He made it clear for me that he was not, that he was here on a personal basis. So the subcommittee felt that was not necessary at this point in time.

The second part of the agenda is really the selections made by all three parties for review February 16 and 17.

The other, final, matter was that we may be sitting again—in fact, I gather we are sitting again—in March for two days, dealing with reviews, and if the House doesn't go back in April, we may again be sitting for a couple of days in April, because the House leaders have agreed to us sitting two days per month to do appointment reviews. We'll deal with that when we know when the House is returning.

Mr Murdoch: You don't think the House will be back in April, Mr Chairman? Are you saying that?

The Chair: No, the Chairman isn't saying that. I'm just saying the place is rife with rumours.

Do we have any problem with this report?

Mr McLean: The only thing I have a concern about is the dates of March 9 and 10 at the bottom of the third page. Perhaps the week of the 22nd, if the House doesn't come back, would be an appropriate time to meet, and if the House does come back, we'll find that we will be here anyway and we would be meeting in March, or the first week of March would be more—I know there are no committees meeting in the first week of March, right?

Mr Grandmaitre: We won't be here. The Liberals won't be here.

The Chair: There are caucus meetings going on.

Mr McLean: Okay. We could have gone for March 22 and 23, or March 23 and 24.

The Chair: Do you want to move an amendment to that? I don't think that will create any problems.

Mr Marchese: Could I ask why? Why not leave it?

Mr McLean: Because I won't be here, for one reason. If you want to accommodate me, fine. If you don't want to, that's fine. It doesn't matter to me. But I'm suggesting that for the other week, if the House comes back, that's fine, we're here, and if it doesn't come back, then we meet for two days to deal with it, the week of the 20th.

The Chair: Can we have a motion to amend this? We required a motion to adopt it initially, moved by Mr Marchese. We have a motion to amend it by Mr McLean in respect to the dates. Are we in favour of the motion, as amended?

All in favour of the original motion, as amended? It is adopted too. Agreed.

Let's break and be back here ready to start at 3:45.

The committee recessed at 1518 and resumed at 1545.

JOHN DOUGLAS McCAMUS

The Chair: I call the meeting to order. Our witness has arrived. Mr McCamus is appearing today as the intended appointee as chair of the Ontario Law Reform Commission. Welcome to the committee. This is a half-hour review, 10 minutes for each party. I just wondered, Mr McCamus, if

you'd like to say anything briefly before we get into questions and answers.

Mr John Douglas McCamus: I could speak for a moment or so, if that would be helpful.

The Chair: Just a minute or two; that's about all we can afford, really.

Mr McCamus: I'll just say it's a great pleasure to have been nominated for this post. I've had a connection with and an interest in the work of the law reform commission for a very long time now and I'm quite thrilled and honoured to be put forward for this appointment. I'd be happy to deal with any questions that might arise.

The Chair: Mr McLean, would you like to begin?

Mr McLean: Rosalie Abella, your predecessor as chair, was full-time. You're going to be a part-time chair?

Mr McCamus: Yes, sir.

Mr McLean: Do you feel the day is coming when this commission should be done away with?

Mr McCamus: No I don't; not at all. The original vision of the commission was that it would have a continuing, and presumably endless, mandate for constant scrutiny and assessment of the effectiveness of the existing legal system, and to conduct, where the commission felt necessary, studies that might lead to reform of particular laws. I think the mandate has been effectively exercised thus far. There simply seems no end in sight of the good work to be done, although, to be sure, the law reform business is now much more busy and complicated by the fact that there are a number of other agencies that have an interest in specific topics of law reform. Notwithstanding the growth of that phenomenon, I think there's a great deal of work for the law reform commission to continue doing.

Mr McLean: Does the law reform commission deal with lawyers who use accounts of their clients with regard to—we've had some cases lately with regard to lawyers who have been spending money that's not theirs. Do you people make any recommendations on that? Is that part of your mandate?

Mr McCamus: No, it's not. That's really the mandate of the self-regulating body of the profession itself, the Law Society of Upper Canada. The law society develops rules to deal with those problems. They investigate complaints, and discipline and disbar lawyers who are in breach of those rules and so on. The law reform commission is really a study group, a law reform group that conducts studies with a view to reforming the law in some particular area which appears to be in some difficulty.

Mr McLean: Okay, what is the area that you would like to see looked at?

Mr McCamus: We have currently a number of projects under way which I'm very interested in. I could mention a few of those or more, if it would be helpful.

Mr McLean: Not too long; I only have 10 minutes.

Mr McCamus: I'm sorry; I'll try not to be too worried about this. One of the strengths of the commission is to look at areas of the law that would be essentially of interest only to the legal profession itself and therefore probably

not of great interest to a ministry, such as the law of contracts, the law of torts. We currently have a large study on the law of property, which is still quite medieval in its nature, and we hope to suggest fruitful reforms of the law of real property, if I can put it that way.

We have also a project on charities. The law of charities is rather ancient and somewhat arcane. The nature of charities has come up for some discussion in public forums in recent years. This is a comprehensive study of the law relating to the establishment and regulation of charitable institutions.

We currently have a study on the coroner's inquest, the statutory framework under which it's conducted, the procedures it uses and so on. That, again, is a topic of some interest publicly, one that we hope to make useful recommendations on.

We have a number of other current studies on aspects of testing various kinds of—

Mr McLean: Can I stop you there?

Mr McCamus: Sure.

Mr McLean: As a specific instance, there is the Stephenson case that we've heard about on the radio and TV this morning with regard to the \$300,000 or something spent on legal fees. Could that be part of your recommendations? Would you look at those types of things to see that there should be some consideration given to those people? I know in some cases they don't need lawyers, but in this instance they hired them and they find now that they're not going to recover \$350,000. Would that be something?

Mr McCamus: Procedural questions such as who should have standing at coroners' inquests, what orders can be made with respect to costs, all those procedural questions will be part of that study.

Mr McLean: Right. You've been a regular member since 1990. How many times would you have met in a year?

Mr McCamus: Typically, one meeting a month, and normally that meeting would only be for a day, although there would be considerable preparation prior to that meeting.

Mr McLean: It would be here in Toronto?

Mr McCamus: It would be here in Toronto, and there'd be other kinds of conference calls and smaller meetings over the phone during the year.

Mr McLean: How much more often would the chair meet than the normal members?

Mr McCamus: I'm sorry?

Mr McLean: Would the chairman meet more often than the regular members or would the whole board meet at once?

Mr McCamus: The entire commission would have formal meetings, in my experience of it, once a month. It's normally scheduled for two days and the attempt has been in recent years to get all of the meeting done by starting early and carrying on late.

Mr McLean: How many meetings do you think you'll have as chair in a year?

Mr McCamus: I expect we'll continue to meet on that pattern of one meeting per month of either one or two days in length.

Mr McLean: You'll be making more than Tim Armstrong per day. He's getting \$1,000 a day. You're getting \$30,000 a year, and you're only going to meet 12 times.

Mr McCamus: Oh, I'll spend a lot of time with the work for the law reform commission, I can assure you. The meetings are the tip of the iceberg in terms of the work that needs to be done establishing studies, monitoring studies, reading over the work, interviewing people, meeting with public interest groups and others that have suggestions to make. My worry is not that I won't be putting in enough time; my worry is that it's too big a job for the amount of time I've been spending.

Mr McLean: My understanding is that it's under review. There is some indication that in 1993 or 1994, the amount of honorarium that part-time members and the chairman get will likely be reduced. Would you agree with that? The part-time members get \$26,000 a year.

Mr McCamus: Yes. It is likely to be transformed into a per diem amount. The hope is that if that is done, the number of days per year will be such that the annual payout to individual commissioners will be significantly reduced.

Mr McLean: Are all members of the board lawyers?

Mr McCamus: No.

Mr McLean: There are professors?

Mr McCamus: Some of the professors are also lawyers, but one of the professors is a political scientist.

Mr McLean: There can't be many who are not lawyers. I've only seen about one, I think.

Mr McCamus: That's right. There are four commissioners at the present time, one of whom is a political scientist, not a lawyer.

Mr McLean: Thank you. I wish you well.

Mr McCamus: Thank you very much.

The Chair: Mr McLean, could I use a couple of minutes of your time?

Mr McLean: Yes.

The Chair: I'm just curious, professor. I see in your CV that in 1969 you were in London. I just wonder if that's coincidental. I think the current Premier was in London at that date as well. Did you strike up an acquaintance with him?

Mr McCamus: No, I didn't know he was there and didn't meet him.

The Chair: With respect to the law reform commission, your experience in law seems to be confined to academia. Maybe I'm wrong on that, but I'm looking at your CV and that's all it indicates, which is certainly quite a respectable and impressive record as well. But I'm wondering how many other members of the law reform commission have had their experience in the profession limited to academia. Are there people who have been out in the field, if you will?

Mr McCamus: That's an interesting question. Typically, in the past, there has been one academic member of

the commission, if I can put it that way. The most recent appointments have included two other law professors, and there's a fifth appointment yet to be made. I expect that appointment will probably be of someone who has a greater depth of experience in practice, whether as a judge or as a practitioner. But historically I would guess that the number of academics have been one or two; the number of people who, most of their career, have been in full-time university work has been one or two. Now it's at three law professors and one political scientist.

The Chair: Your CV leaves a hole from 1987 to 1993. I gather you are currently teaching at Osgoode.

Mr McCamus: It's not intentional: There's probably a hyphen there somewhere that indicates I'm continuing in my full-time position at Osgoode Hall Law School, essentially from 20 years ago until today, with a few breaks here and there. But yes, since 1987 I've certainly been there full time.

The Chair: Mr Marchese.

Mr Marchese: In response to the question Mr McLean asked about whether or not you felt the commission should be abolished, you said no. There were some complaints perhaps in terms of how representative it might be or how well connected you are to some of the groups that are complaining, and you talked about agencies. How well connected are you to the legal field outside the people you work with and to the broader community in terms of how you handle the issues you do research on?

Mr McCamus: First of all, I'm not sure I understand or perhaps agree with the opening premise of the question. I'm not sure there are complaints about the way in which the law reform commission has discharged its responsibilities in the recent or distant past.

With respect to the second half of the question, how wide a network I have, the extent to which I have a network depends in part on a 20-year career within the profession; to be sure, almost exclusively within the academic branch of the profession. But during that time I have served as dean of the law school which I serve now as a member of faculty, and during that experience of course developed extensive contacts within the profession, particularly within alumni groups but with the governing body of the profession and other groups. I hope to be able to exploit those connections during my work with the law reform commission. My participation in other forms of outreach or consultations, to be sure, are much more limited. It's an area in which I hope to take some advice and do well.

Mr Marchese: I didn't mean to assume that perhaps you didn't have a network, given your long experience. But as you do your research, do you consult people in the legal profession—I suppose that's the question I wanted to ask—and beyond the legal profession? Do you consult other interested parties as you do that research?

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Mr McCamus: Of course. Of course the commission has to and does. To be sure, it's an area where we think we can probably strengthen our performance, and that's one of

my concerns. But with a typical project, for example, the commission at an early stage establishes an advisory committee. That advisory committee will consist of people from the profession who have an interest in the field—it may include a judge who happens to be expert in the area—and representatives of groups that have some interest in whatever question may be before the commission. So through advisory committees in particular, the commission has attempted to consult as broadly as seems appropriate with respect to particular projects.

Now, we are currently considering and have been considering for some time whether or not other means of consultation ought to be developed: perhaps the distribution to the public of discussion drafts of material or whatever. That is a live item on the agenda. In answer to the question, we have consulted in the past. Do we think we can improve? I think the answer to that is yes.

Mr Marchese: Tell me, how is your research used and by whom?

Mr McCamus: Our research is targeted particularly at the Ministry of the Attorney General. The commission was established by the Ministry of the Attorney General. It's meant to provide a service principally to the Attorney General of Ontario by studying and making recommendations, particularly recommendations for the enactment of new statutes or modification of existing statutes.

But the work of the commission, I'm very proud to say, appears to have had a much broader influence than that. Law commission studies have been frequently cited in judicial opinions around the common-law world. The reports of the Ontario commission are frequently relied upon in the reports of law reform bodies in other jurisdictions in the common-law world. One of the reasons I'm so very proud to be put forward for this position is the tremendous reputation the Ontario commission has throughout law reform and professional circles generally throughout the Commonwealth.

Mr Marchese: To what extent has this government—or previous governments, for that matter—implemented the recommendations you've made? How often do they implement them? How do they use them, if they use them?

Mr McCamus: It's certainly a fair question. I'm embarrassed to say that I don't have our last annual report with me. It would be an obvious thing to bring. I don't know whether it's been sent over to the committee; we can certainly make copies available. In the last few pages of the report, we have a list of all our reports right from the beginning of the establishment of the commission, together with a notation of any statutory changes that have resulted from those reports. It's not a 100% record, of course, but it's quite a creditable record in the sense that there are a great many reforms that have resulted from the recommendations of the Ontario Law Reform Commission.

Again, in terms of my own personal view of the matter, I'm hopeful that we can improve that record. I would very much like to have discussions with the Attorney General to see if there are things the commission might do that would facilitate an even better record of implementation of our recommendations.

Mr Marchese: You talked about the work you're doing at the moment on law of property and law of charities and said that these two are archaic. Can you give some examples of law of charities and the other one, in terms of what is archaic that we should be looking at?

Mr McCamus: The director of research on both of those projects would be the best person to answer such questions. There are various rules of property law that I would be awfully hard put to explain to you at the moment, which most lawyers are unaware of but which create few problems in practice for people because standard form documents are drafted so as to avoid these difficulties. They create problems for actual people only when the documents haven't been properly drafted to avoid various arcane principles of medieval land law. Again, a full explanation of a particular rule might take some period of time, and many lawyers would not be able to explain it to you.

The law of charities similarly developed some centuries ago. We now have several draft chapters of this study in hand. I'm not sure we'll find as many problems in charities law as we're finding in property law, but the law of charities was developed a few centuries ago. People, people outside the commission, have asked questions about whether or not we have the proper definition of the notion of charity, the relationship between notions of religious activity and other forms of charitable activity etc. We have a regulatory scheme in place for these things. There have been some questions about the adequacy of that regulatory scheme in the light of recent developments and so on.

I hope that at considerable length—not too uninteresting a length, I hope—the ultimate reports on property law and charities law will give you several illustrations of unnecessarily complex doctrines of law drawn from medieval sources that are still applicable in Ontario.

The Chair: Mr Frankford.

Mr Frankford: I notice in the research document that among your round table discussion topics has been the role of legal clinics. Can you give briefly some idea of what you or the commission are thinking about legal clinics?

Mr McCamus: There is no current project on legal clinics as a phenomenon—their funding, their role or whatever—and I don't expect that to materialize as a topic, although it may well, in the months to come. The previous chair of the commission, Madam Justice Abella, thought it might be useful to convene a series of round table discussions with a view to attempting to explore whether there might be a need for a project in one area or another, or simply topics of interest that might be referred to other bodies, other ministries of the government or the law society or whatever. This round table on clinics was one of those exercises. My understanding is that there was no feeling that came out of that round table that there was an appropriate topic for the law reform commission to do a study on. So the short answer is that there's nothing planned on that at the moment.

Mr Frankford: Do they seem to indicate any feeling that access to legal services is something that should be addressed?

Mr McCamus: I think many members of the commission would feel that if one were to identify a short list of important topics in the legal sphere, access to justice is an obvious one. Just what approach to that problem the law reform commission itself ought to take is a more difficult question. The law society has an interest in it; the clinics themselves have an interest; the clinic funding committee of the ministry is obviously very much involved in ongoing monitoring and supervision of the clinics. So off the top of my head, I'm just not sure what role there is in either the specific area of clinics or in the area of access more generally for a law reform commission study, but I think it is an area where we're likely to take advice and see whether or not there isn't some feeling that a study could usefully be done on some aspect of what is really a collection of problems.

The Chair: Before we move on to Mr Bradley, I just want to point out to members that on page 2 of Mr Pond's report there is some detail with respect to the number of reports that have been produced and the number of those reports that have been adopted over the years of the life of the board.

Mr Bradley: My first question relates to the Canadian Law Reform Commission. Refresh my memory: Did the federal government announce that it was disbanding the Law Reform Commission of Canada?

Mr McCamus: Yes indeed, and it has disbanded the commission.

Mr Bradley: How will they possibly survive without a law reform commission at the federal level? If they play such a significant role, in your opinion, how will the government survive in terms of its legal policy? I recognize that they don't do exactly the same kind of work that you do, but what will they do now to get their advice?

Mr McCamus: I think it's a significant problem. I'm sure the decision is regretted by many, not just the members of the Canada Law Reform Commission itself. But I guess the answer to that question is that they will have to make do as best they can through their internal policy units in the Department of Justice and elsewhere. They will no doubt retain consultants from time to time. But I know the question of how to fill the gap left by the death of the federal law reform commission is a very serious one among many people in Ottawa, both inside and outside the government.

Mr Bradley: Recognizing, as a layperson, that federal law and provincial law overlap but are different jurisdictions, do you anticipate that as a result of the absence of a federal law reform commission the workload of the Ontario Law Reform Commission might be extended to any extent?

1610

Mr McCamus: The Ontario commission has traditionally taken a careful view of the constitutional limitations of provincial vires and has contained its work within that limitation. It is an interesting question whether the disappearance of the federal law reform commission means that there is some room for greater provincial scrutiny, for example, of the administration of criminal justice, which, although technically federal, is financially provincial.

Whether or not there is some room for the provincial commission to be helpful to the province by studying such matters or not is an interesting question and one really for the Attorney General, to some extent. I'm sure the commission would be very happy to study any area where the minister takes the view that it would be helpful to have studies done. Certainly, I don't think there's any reason in law why the commission couldn't undertake studies that overlapped the boundary between federal and provincial jurisdiction.

Mr Bradley: A number of questions came forward about access of average people to your studies in terms of the consultation with those people. As political representatives, one of the complaints we get often is that the legislative branch of government and the judicial branch do not consult or do not reflect the viewpoint of whatever the average citizen is. I don't know what we say an average citizen is, but a person who perhaps is not a member of the legal profession and not a member of government in any way. There's great frustration out there that their views are not being reflected in government legislation or in fact in court decisions.

What does your commission intend to do to endeavour to tap into those people? I'm not saying that your reports eventually may mirror exactly what those people are saying, but there is a feeling that there is an élite who think X and that there is a great mass of other people who simply don't buy what the élite is saying. How do we reconcile that?

Mr McCamus: Again, I think a lot turns on the particular kind of work the law reform commission is doing on a particular project. I take the point as a serious one and one I want to respond to, but without being defensive about it, much of the work of the law reform commission would focus on highly complicated and technical aspects of what lawyers often refer to as "lawyer's law," things that by and large only lawyers are likely to understand or be interested in.

The details of the law of estates administration, for example, is the subject of an extensive report just published within the past year or so. It's impenetrable for a layperson to read such a document, although it's a topic which is very important for laypeople. There may be one or two questions buried in there where we should have done a better job of consulting the public; I'm quick to concede that as well. But a very large percentage of the work of the law reform commission would be relating to technical matters on which it's hard enough to get lawyers to take an interest and inform themselves on and reach an opinion on, to say nothing of the difficulty in attempting to prepare the public for a consultation on such points.

But as the commission moves off more technical studies of that kind into subjects of broader interest—and it has done so to some extent—it seems to me, and I think it's the point of your question, that the commission has the same obligation that others have in the public sector to consult broadly, to make its tentative ideas well known and to take advice from the public on what it is they have in mind. Certainly that's one of my priorities, should I be appointed chair: to increase our capacity to identify situations when that should be done and to do it effectively. Again, to some

extent, we've done it through this advisory committee mechanism that I referred to earlier. There are probably other and perhaps better ways of doing that on particular topics.

Mr Bradley: If you were in an American setting, you might wish to plead the fifth amendment, or whatever amendment you wish, on the next one, but I was asked to ask this. Some of my friends in the legal profession, when appointments are made from government, contend—accurately or not, I cannot judge—that the Osgoode Hall Law School is rife with leftist opinion and leftists. How would you comment on that, so I can mail this back to them and assure them that indeed that is not the case?

Mr McCamus: Well, you explained part of the answer to the question when you said that it's members of the profession that have made this allegation. I think it's quite true. I think one of great virtues of Osgoode Hall Law School—there's a risk of becoming tiresome on this topic—as the nation's leading law school, if you'll forgive me, is that it does have a great diversity of viewpoints on the faculty. It's probably true. We have a more vigorous left-wing unit than any other law school in the country. But it's only one of several voices on the law school faculty; again, it's a valuable voice, but it's competing for air time with a whole range of other viewpoints at the law school. I make no apology for the richness of our program.

Mr Bradley: Were that the case, they were not successful, in any event, because these people appear to be somewhat to the right of virtually everybody I know.

Mr Duignan: Including yourself.

The Chair: Mr Grandmaître.

Mr Bradley: Here's a real lawyer now.

Mr Grandmaître: Going back to the number of reports that you've filed in the last, what, 18 years, since the—

Mr McCamus: Well, it goes back to 1965.

Mr Grandmaître: Yes, 1964, 1965. We're talking about 108 reports; 75 of those reports have been wholly or partially adopted by the provincial government. In one of your latest reports, back in October 1992, when you were reviewing the powers of the Ontario Film Review Board, your recommendation was that the board no longer be empowered to censor films. Can you explain this recommendation?

Mr McCamus: I can at least attempt to do so. First of all, let me draw your attention to and emphasize the fact that this was one of several recommendations made in this report. That may be the most controversial recommendation in the report, but it was one of several recommendations, which included better labelling of material, better control of the manner in which material is displayed in shops of one sort or another, all with a view to better controlling phenomena that are unattractive in a variety of ways and for a variety of reasons.

But on the question of censorship, the commission was persuaded of the following propositions. First of all, we were persuaded through our consultations with industry representatives and others that the concept of control through censorship is illusory. In fact, the technology has

escaped us, and it is impossible to control the distribution of this material. It creates an illusion to think that we can, through censorship, prohibit the dissemination of this kind of material within the province.

It was felt as well that it was unattractive to have a parallel system, parallel to the criminal law, in which people were exercising a discretion, essentially unreviewable, to control what is shown, in particular contexts at least; and that a better solution, one which provided adequate protection to the public, was through more effective grading and labelling of material. Some of that labelling would indicate that the material should not be shown at all.

Mr Grandmaître: Who should be empowered, if not the Ontario Film Review Board, to censor these unwanted films?

Mr McCamus: Well, "censor" in the sense of snipping portions out of the films? It was the commission's view that that is not a useful exercise. But certainly, to the extent that material offends the criminal law, its display in a public place in Ontario would constitute an offence.

Mr Grandmaître: One last question, Mr Chair. With all these reports—you're averaging, what, 18 a year, I think, since 1964—what will your responsibility as chair be towards finalizing the implementation? Before the report is filed with the Attorney General, what role do you play in these reports, in the conclusion of these reports and the recommendations in these reports?

Mr McCamus: All of the material, although prepared under the supervision of the chair, ultimately surfaces before the commission in a full meeting for review and for the formulation of recommendations, and the commission itself is very much involved in determining what those recommendations will be. They're voted on, the chair's vote counts in all of that, like the vote of anyone else around the table, so there's very active involvement.

The commission is not simply a rubber-stamping exercise for some study unit out there somewhere. It's very actively involved in formulating the research proposals in the first place. Then the chair and the staff monitor the preparation of the research papers that ultimately go before the commission, but then the commission itself debates and votes on each and every recommendation that comes forward with the commission's approval.

Mr Grandmaître: When do you find time to vote on these recommendations?

The Chair: We'll have to talk about that at some other point. Mr McCamus, thank you very much for being here today. We've exhausted our time with regard to your review. We wish you well.

Mr McCamus: Thank you very much.

The Chair: One final matter of business for the members of the committee: We require a motion of concurrence with respect to the intended appointees we've reviewed today. So moved by Mr Marchese.

Any discussion on the motion to concur? Seeing none, all in favour? Opposed? Carried.

The committee adjourned at 1622.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaître, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
Stockwell, Chris (Etobicoke West/-Ouest PC)
Waters, Daniel (Muskoka-Georgian Bay ND)
Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present/ Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Mr Ferguson
Duignan, Noel (Halton North/-Nord ND) for Mr Waters
Murdoch, Bill (Grey PC) for Mr Stockwell
Rizzo, Tony (Oakwood ND) for Mr Wiseman

Clerks pro tem / Greffières par intérim: Freedman, Lisa; Manikel, Tannis

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intersession, 35th Parliament

Official Report of Debates (Hansard)

Thursday 4 February 1993

Standing committee on government agencies

Public appointments secretariat

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Jeudi 4 février 1993

Comité permanent des organismes gouvernementaux

Secrétariat des nominations



Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Thursday 4 February 1993

The committee met at 1010 in committee room 2.

PUBLIC APPOINTMENTS SECRETARIAT

The Chair (Mr Runciman): I'll call the meeting to order. Our first witness this morning is Marilyn Roycroft, who is the director of the public appointments secretariat. This is an annual event and this is Marilyn's second appearance before the committee. She had only been in the job, I think, a couple of weeks or something when she initially appeared before the committee. This is, in essence, to discuss the relationship between her office and the committee, whether she has any concerns, how she feels it's operating and receive feedback from the committee as well. We intend to do this on an annual basis at least.

Ms Roycroft has someone else with her, an additional witness. Perhaps you could identify yourself and your role for Hansard.

Ms Marilyn Sharma: My name is Marilyn Sharma and I am the general manager of the public appointments secretariat.

The Chair: Welcome to the committee. Ms Roycroft, would you like to start off?

Ms Marilyn Roycroft: Thank you very much. I appreciate and welcome the opportunity to be here, Chair. I was in fact not even on the job when you last introduced me, when I was sitting in at the back of the committee meeting. I appreciate this opportunity very much. It is a new process. I've been here for approximately 10 months now and I think it's a learning process for all of us. I welcome this opportunity to hear the concerns.

I receive letters and phone calls from a number of MPPs of all parties, and again I welcome that because we learn something about how the process works as we go along.

In addition, though, let me just say, Marilyn Sharma being here this morning, that I would like to also introduce to the committee members three other members of the secretariat staff who form part of the working group. Many of you may know them from doing work with some of the boards and commissions. St John Payne is one of the consultants who works with a number of the different boards and agencies, Brenda Sukhnandan is my assistant and Nancy Pearson is the other political staff, along with myself, in the secretariat. Nancy's main responsibility is to work with this standing committee and you probably recognize her. I think she's here most days you sit.

I don't think I want to open with a lot of remarks. I'll wait and hear the questions. I can only say that having been on the job now for 10 months, the whole area of boards, agencies and commissions, that whole quasi-judicial administrative justice system, was a bit of an unknown quantity to me. Like most citizens in this province, I understood it only in the very vaguest of terms. I now understand it a lot

better and find the value of a number of the boards and agencies to be misunderstood by the bulk of the population, and I welcome this process and any process that informs the people of the province about this fourth level of government, in essence.

Just by way of information for any of you, in doing some preparations for a speech last week, I came across an article that Judge Rosalie Abella had written about the whole system of judicial and quasi-judicial boards and tribunals. I have brought some copies along. Judge Abella has described the system with its flaws and with its perfections in a most wonderful way. If any of you would like a copy of that out of interest, I brought some extras with me. It's a wonderful article.

Anyway, please, we'll take some questions.

The Chair: Hopefully, all members are aware that Ms Roycroft has responded to a questionnaire that the committee provided her with and all of you have that in front of you. Who would like to begin the questions? Mr Frankford?

Mr Robert Frankford (Scarborough East): No.

The Chair: I'm looking for someone to begin.

Mr James J. Bradley (St Catharines): I'll start.

When we look at it, the appointment system has changed, to say the least, in Ontario over the last while. There has probably been a far greater cross-section of people appointed to agencies, boards and commissions in the last several years than was perhaps contemplated in the past.

One of the concerns I have is that in our efforts to reflect all of Ontario—for instance, to have so many rural people, so many city people, so many people who are this, that and everything else—are we, in your view, getting, and I don't know if we ever did get, the best qualified people? I say that from this point of view. My concern always is that the civil service will run everything. If you appoint people who aren't top-notch people to agencies, boards and commissions, the staff of the agencies, boards and commissions will run the place and the others will just go like this.

I sat on a hospital board years ago where the number one thing you had to do was get your hand up this high and then back down because nobody understood what was happening.

Are we getting that, in your view, from your observation? We have to have so many people—and I'm saying this generically—who are partisans of the government. That's fine. When the government wins, it's allowed to do that and so on. But are you noticing that agencies, boards and commissions are running themselves as a result and that the people who get appointed to them are not doing

that good a job, that they may want to but they're just not doing that good a job?

Ms Roycroft: You raise a number of interesting points and it's a good starting point for discussion, if I can be frank.

I think the quality of the candidates being appointed is extremely high. I think it has always been very high. I think the variety and the range of responsibilities and work that the 500 to 600 boards and agencies do around this province is enormous. The range is enormous about what they do, whether they're a quasi-judicial tribunal or whether they're a minister's advisory. In some ways you have to separate, because they have quite different responsibilities and duties.

The needs of a good number of the boards and agencies to reflect both a geographic representation and an expertise or an interest range are real. The chairs of the board say: "I need an accountant. I need that expertise." A chair will look at the makeup of a board and say: "I have simply no one from northern Ontario. It's just not right. I need to have that representation."

In those senses, I think that need to represent is real, legitimate and serves the province and the commissions better. What we strive to do, and have always done, is to find the best qualified people, the people who will bring the skills and expertise that the board needs at the same time as trying to make sure that the representation is there. I'm not sure, in some cases, that it's a lot different than what always was attempted. We're trying to work very closely with a number of the senior chairs on this. That's different than a minister's advisory committee. I have to be honest; they're quite different things. For a minister's advisory committee, they may advertise if they're appointing one. They'll get hundreds of applications and they'll choose from that. We don't get as much involved in that as we would with the Ontario Lottery Corp or the Social Assistance Review Board.

In terms of skill and expertise, I can only speak from my perspective, but I certainly think that if you ask the chairs, some of whom have been here for various governments, they would speak to the quality of the appointments.

Mr Bradley: The second thing gets into, how do you appoint and how does it reflect all of Ontario and not just all of Metropolitan Toronto when these appointments are made? I know the difficulty is that with a lot of agencies, boards and commissions, the reason you have people from Toronto is because it's convenient. I understand that. Even from somebody well outside of Toronto, there's a compelling argument in many cases to have Toronto people here. You try to reflect, I guess, all of Ontario and you end up reflecting all of Metropolitan Toronto, and the thinking in a big city is often different from the thinking in a mid-sized city or a rural community and so on. How are we addressing that, or is it as it always has been, that there's a predominance of Toronto people on these committees?

Ms Roycroft: Well, it's a struggle. I met with the chair of the Ontario Lottery Corp yesterday, and he needs some senior financial people on that board. The list he had—and he had made up the list by contacting a whole

number of different individuals of his acquaintance—was primarily Toronto-based. We sat there and we said, "What are we going to do?" He said, "I need representation from outside of Toronto." We decided, based on that, to talk to a couple of the people already on his list and say, "Who do you recommend in your field?" It happened to be banking in one area, and the other was computer skills. "Who do you recommend that you know who happens to be based in London or in Ottawa?"

In terms of some of the expertise, financial is a big problem, Jim, because a lot of the expertise happens to reside in this city in terms of senior positions. The Ontario Lottery Corp, Ontario Hydro, some of those boards are quite specialized in their needs. We struggle with it and we often refer it to professional associations. We wrote to the chartered accountants and we've also written to the professional engineers' associations, asking them to encourage their members outside the Metro area to send us résumés if they're interested in any appointment, because some of those specialized skills we can use and we would prefer to get them from outside Metro.

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Mr Bradley: Let me raise this concern: I live in a much more non-cosmopolitan community than Metropolitan Toronto, and so a lot of the people who are looking to get on agencies, boards and commissions pick up the form and say, "There are five boxes to check and I'm zero for five; I'm not going to get an appointment." There are five check marks on there, five categories of people, they say, "That's it, I don't have a chance." My information to them is, "You have the same chance as everybody else," but they have that perception that because they can't check off any of the boxes, or maybe only one of the boxes, they're not going to get chosen. I'll just ask you to comment on that.

Ms Roycroft: I think all you can do, Jim, is what you're doing, encourage them to apply, because, yes, we are trying to better reflect the province in the membership on the boards and agencies, but the first things we go after are skills, expertise, experience. If a chair says to me, or a minister, or the ministry staff working with them, "This board needs to better reflect; let's work on that," we'll work on it, but it will always be within the parameters of skills, experience and expertise.

A lot of people don't fill that out. It is voluntary. It says so on the form and it is, so I would hope it isn't a barrier. If it is a barrier, if you continue to see that, we need to work on it because it's not meant to be. It is meant as a tool to help us. When we pull out of the computer bank 60 or 70 people who have expressed an interest in the Social Assistance Review Board, we send them over to the chair. That happens to be one of the boards where the chair basically does the interviewing, the selection and then recommends. There's not much politics left in the selection of the Social Assistance Review Board membership. I think you know that board well.

In that case, the chair then has at least some sense of some different representation based on the application. She still interviews. She still goes through a very tough process.

Those are full-time jobs. It's information and we use it as a tool, but it shouldn't be a barrier and people should continue to send them in as much as possible.

Mr Bradley: You have the perennial generic problem of partisan appointments to deal with that every government has. I was very unpopular with the Liberal Party because I refused to put party hacks in places because they were party hacks. I want good people in there whoever they are, and if you're the government in power and you have a lot of good people, nobody can object to that.

Interjection.

Mr Bradley: I know, you're right; everybody hated me in the Liberal Party for that. I could never run for leader because all I ever said was no to the hacks.

How do you people wrestle with this when there's political pressure to put a person in who is a campaign manager, bagman or bagwoman, or whatever you call a person who raises all the money and things like that? How do you people wrestle with that? Does the Premier, does the cabinet finally, in this regime as well as every other regime, still say, "Well, we want that person even though that person is perhaps not the best person you can get but is a good New Democrat, Liberal or Conservative," depending on who's in power?

I know it's a dicey question and I'll take whatever answer you want.

Ms Roycroft: It's an interesting question.

Mr Bradley: There are a lot of good New Democrats out there; I'm not convinced they all get appointed. I see some appointed who—

Ms Roycroft: Neither are they.

Mr Jim Wiseman (Durham West): I see some bad Liberals and Tories getting appointed too.

Mr Bradley: I didn't know you could use that adjective in front of the word "Liberal," but okay—

Mr Wiseman: Actually it's a redundant phrase, because it means the same thing.

Ms Roycroft: In some senses, I think it's fair to reflect on a bit of a change in the times. I think the appointment process for all governments now is different than it was 10 and 20 years ago.

Mr Bradley: I agree with that entirely.

Ms Roycroft: I think we witnessed that publicly in the United States where this same process is going on with Clinton's administration. I think that part of this public process, which you're very much a part of, has furthered or put additional pressure on that change. So the partisan nature of the appointments, though I wouldn't deny that there is one at times, is really limited, and it's by and large limited to some key positions where the appointment matters in terms of the position sharing the agenda of whichever government's in power. But for the vast majority, and I'm talking over 90% of the 6,000 or 7,000 appointments we make, there is very little.

When we look at the applications, when we look at the résumés, again, almost all of the time we have no idea what the person's partisan, if any, activities are. I think the bulk of the people who apply now, coming out of the

public process, are not the same people who used to be interested, because I think those people don't believe they're going to get the appointments any more, so we get more general members of the public, who may vote one way or not but aren't active and we don't know whether they are or not.

Mr Bradley: Are you able to identify if people are members of extreme groups, for instance, the Heritage Front or something like that, when they apply? I guess everybody in Ontario should have the right to apply. If someone has an agenda which is clearly outside the mainstream of the province and clearly a negative agenda, you may be concerned about that if they're a member. I use the Heritage Front because they've been in the news lately. Is there a way of identifying those?

Ms Roycroft: It's an interesting question. We've actually been working with a number of the chairs on that, because they have some concerns also. I think the only way we've been developing a strategy is that almost everybody is interviewed in one way or another, over the phone or by the chair in a personal interview or in our office, and if we identify any sense that there's anything, we do do a personal interview and we try and pull out opinions, points of view, and get a sense from the chair whether that would work on that board or not, and in some cases it simply wouldn't work. It would be a disruption on the board. The chair makes that decision and we don't appoint that person.

But we haven't had it as a major problem. It was a concern expressed by a number of chairs when the whole process opened up, but because a lot of them have been involved with us in interviewing or in helping short-list people, I don't sense that they're quite as concerned about it. But it's hard to do that without infringing on individual rights of opinion and freedom of speech.

Mr Bradley: Yes, that's what you encounter. I understand that. That's a very difficult line to go down. However, there are clearly people the government would be embarrassed to have serving in agencies, boards and commissions if indeed they had an agenda which was clearly, for want of a better word, an evil agenda, as opposed to one which is political, and that's not always evil, at the same time.

Is there still a political minister who has a final say? Does this government have a political minister in each area or a political minister overall?

Ms Roycroft: If they do, I haven't met them.

Mr Bradley: Or is that the Premier himself?

Ms Roycroft: I haven't met them. The appointments, as always, do go to cabinet, so there's discussion at the cabinet level. The Premier's involved, certainly in his own appointments and in some others he has a particular interest in, but again, the involvement tends to be to say early on, "This is the quality, this is the type of person I want." It tends to be less partisan in each of—

Mr Bradley: What about firing people from agencies, boards and commissions? One of the difficulties governments have when they come in is that you might have someone sitting in, I'll say the Ontario Lottery Corp, who is, as I am, adamantly opposed to casino gambling. If you

had a person in there, that person is not going to be very useful to you if the government policy—and the government has the right to decide—is that it's going to establish 10 casinos in Ontario. This is theoretical. If that person is adamantly opposed to casinos and is not going to make it easy for you to implement casino gambling, is there a provision now for terminating these people without ending up in court, or are these considered to be like jobs in the civil service where you need a gold or platinum handshake to get them out?

Ms Roycroft: No, no, no, and again, it really varies on the type of board or agency, but in the lottery example, my own sense would be, the integrity—most of the people on that board are quite senior, experienced business people or members of their community. There are a number of professors, there's a head of a local hospital board. My own sense is that if they have a personal difference of opinion on a major policy direction, I believe that they would likely resign, but that would be their own individual decision. Certainly there's been no pressure brought to bear that I'm aware of from this government, from ministers or from chairs, to do that.

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If we deal with a different problem, which is non-attendance or a range of other problems, then again we would seek the chair's advice, because the chairs, by and large, for the senior boards, run those boards. We would seek the chair's advice on what they wanted to do with an appointee, and we're involved in some of those discussions with people now.

In terms of differences of opinion about policy direction, there was no turnover of membership in the boards and agencies when the governments turned over in the past; there wasn't this time. My assumption would be that the political culture in this province is not to do that and it certainly hasn't been what we've done.

Mr Bradley: Unlike the civil service, however—and I know some of these positions are civil service—

Ms Roycroft: Yes.

Mr Bradley: —with agencies, boards and commissions, you're unlikely to get as politically a neutral person in a position. My concern for any government that takes office is that you may have a board which is adamantly opposed to the agenda the government has, and that board has been appointed by a previous government. Let's say, in this case, it's a Liberal government-appointed board that was totally opposed to the NDP agenda and the NDP is legitimately elected. I always thought there was a very difficult problem getting rid of the people earlier than when their term came up. Is there some kind of provision for being able to get rid of them without ending up in court? I know the people who are—like the vice-chair of the Environmental Assessment Board. That's hard, because that's kind of like a civil service position. I'm talking about the other positions down the line.

Ms Roycroft: Marilyn may have a comment on it in terms of the civil service aspect of it, but the appointments, by and large, are three years, with a one-term renewal; I mean a second three-year term. Every board and agency

differs. Some, by legislation, we can make one-year reappointments, two-year reappointments; there's some flexibility. In other cases, there's no flexibility and we get into trouble sometimes with the legislation, where there's a high turnover on a board and the chair really needs some people to have a third term because they really need the continuity, and we can't; by legislation we can't. Those are rare cases, but we've had a problem.

The U of T board ended up with, again, a funny turnover pattern, because people moved away and it was going to turn over half its board one year, which it was really unhappy about. Again, legislatively, our hands were tied. Bob McGavin and I couldn't figure a way to solve it. A number of boards are looking at changing some of the membership terms to give them some greater flexibility to deal with contingencies.

To try and answer more directly, I don't know of a board or agency where there's been a major problem with either the chair or the membership leaving because that was their decision, or the minister wanting a change in direction. I haven't been involved in that in the 10 months I've been here, I can honestly say. There have been differences of opinion; ministers work then with the chair to try to sort it out, but there hasn't been a change in membership as a result of that.

Mr Allan K. McLean (Simcoe East): I can't believe what I'm hearing here this morning. I have never seen so many blatant political appointments in my life. There has not been one person from my riding, other than a member of your party, who's been appointed. A chief financial officer's been appointed, an ex-candidate has been appointed, his wife and his family all have government jobs and you come in here this morning and say they're based on ability.

I have been here since this committee was first formed. I've sat in and never missed any and I have seen people go through here who should never be appointed. There's never been one who has been turned down and you say these people are being appointed are based on their ability and qualifications?

Ms Roycroft: I do. In fact, my understanding is that the committee, by and large, has voted in favour of most of the candidates who come forward as intended candidates and if the committee—I'm being quite frank—has concerns about the level of skill, expertise or experience they're bringing, I have not been hearing that. I read Hansard and I talk to committee members. So I'm interested in hearing about it.

Mr McLean: Then that's good, because it got to the stage after about the first six months that there wasn't much point in complaining, because we knew exactly what was happening. We knew there was no point. Ben never voted for one for the first year and a half, and many others are the same. But there's never been one who has been turned down.

In my riding alone, I know, because I knew the appointments were coming up, and I made sure there were other people who applied within the community. The city of Orillia made a recommendation to your people, sent the

letter in, of who it thought should be an appointment. It was totally ignored. I didn't even know the person who got the appointment; the city never knew who it was, and the person got an appointment. You come in here and tell me it's based on their service to the community; totally wrong. That's what I see going on all the time, and over 90% to 95% of appointments are appointed as party members.

Ms Roycroft: That's news to me. I don't know that.

Mr McLean: All you have to do is look at the names and look at where they come from.

Ms Roycroft: The other thing you should know about is that the bulk of the appointments, in terms of the 5,000 or 6,000, come in the housing and the health fields. That's where the large numbers of appointments are. Those appointments, by and large, are made on the direct recommendation of district health councils, hospitals and city councils. In fact, as you know, it's been a complaint of mine that the committee at times reviews some of those people, because we pass them through. We encourage and hope that the local municipal governments are appointing and recommending for appointment people of skill and expertise and good community representation, but we don't say no to them; we've never done that. Those are over 50% of the appointments.

Mr McLean: The point is that this committee never sees any names, only ones who are recommended by cabinet. We see no names before that. We have no idea who's applying for what.

Ms Roycroft: I understand that, but what I'm saying is that if you look at all the housing and the health appointments that come before you, 90% of those are in fact directly coming out of either the municipal government, the district health council or the district hospital, and those are local community people.

Mr McLean: But we haven't made a habit of reviewing those, because we feel they are being recommended by whoever and that's their duty to do that. But the ones I'm talking about, that we're dealing with here, as I was going to say, I see nothing wrong with political appointments, but the perception out there is that they're being reviewed by a committee before they get their appointment, which is not true. To a certain extent, they're already being recommended. There has not been one in two years who has been turned down, and if this committee is reviewing them, why are we reviewing them other than to find out who they are? Some of the appointments we've made here, I just shake my head and can't believe it.

Ms Roycroft: Let me reiterate: If there are appointments where you have serious concerns about their expertise or their skills, then I think that does need to be on the record. My own assumption has been that if in fact things came out during this public review process that so disturbed the government, the chair of the board or commission and the secretariat, we would be seriously looking at that before it went on. The fact that this hasn't happened, I think by and large is a tribute to the quality of the candidate. But we will continue to take the reviews seriously, and if the committee, again, has objections, it needs to make those known.

The benefit of this process is that at least the public has a better sense of what's going on. Like in the States, you get a chance to ask the questions before television cameras. They're on record. We understand that lots of people read Hansard, and there's a much greater understanding of what the boards and agencies do as a result of this committee meeting. Certainly, in terms of some of the major boards, the police services boards and that, which you've concentrated on, there's a much greater understanding of the public nature of these appointments because of this committee.

The Chair: Mr McLean, do you mind a supplementary from Mr Grandmaître?

Mr McLean: No, that's okay.

Mr Bernard Grandmaître (Ottawa East): Thank you, Al. You're saying that you've never heard of any candidates or appointments that came before us who weren't, let's say, good candidates. You just said this.

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Ms Roycroft: What I said is that my understanding is that the committee has not objected to the skills and expertise level of most of the candidates. Now, I don't sit through here. I do read the Hansard and I do come for some of them. But that's my understanding.

Mr Grandmaître: My question is, have you ever consulted with the members of this committee, especially the government members? Have you ever consulted with them?

The Chair: When you respond, we go back to Mr McLean, because we're using up his time.

Ms Roycroft: Have I consulted with the government members of the committee?

Mr Grandmaître: Yes. I meet with these people every day and they question some of our appointments. You've never heard about this?

Ms Roycroft: I've heard about one or two. In terms of 1,400 that went through last year, there are bound to be glitches. This is not a perfect process. We try to make it as effective as possible. But I certainly haven't heard about large numbers of complaints. No, I haven't.

Mr McLean: I want to move on to another area, but I have one last question on this. The fact is that in the area I represent there has not been one appointment other than a party member. You indicate that they are appointed on quality. Why would that happen?

Mr Rosario Marchese (Fort York): We want names.

Mr McLean: Government party.

Ms Roycroft: I don't have an explanation for that. We don't do a review of the appointments riding by riding, so I wouldn't have a sense of that. I hear what you're saying, and I'm obviously registering it, so I will be looking into it.

Mr McLean: But the thing that bothers me is that you came here this morning and you're giving us the impression that everything is fine, that there were excellent appointments out there, everything is just great. I'm here telling you that is not the way I see it. I can give you names as proof of what I'm talking about. I think that if you want to look at quality,

you've got to look without being—well, I know how the system works.

Anyhow, how many staff members are there in your secretariat, under your jurisdiction?

Ms Roycroft: In total, there are 10 staff: eight civil servants, two political staff. The civil service component—and Marilyn certainly can speak to this—of the operation basically does the administration and the support for the public process. The book we put out every year Marilyn Sharma herself has responsibility for. The application forms, the processing, the keeping in touch with the chairs, the working with the ministry people, that's all done by all of us.

Mr McLean: What is your budget for the year?

Ms Sharma: The 1992-93 budget is \$1.079 million.

Mr McLean: For a staff of 10?

Ms Sharma: Yes.

Mr McLean: What is the average salary of your staff?

Ms Sharma: The average salary would be somewhere around \$45,000. But keep in mind that last year we had a budget of \$1.4 million and we actually spent \$800,000, with a saving of \$636,000 that we returned to the consolidated revenue fund.

Mr McLean: It was \$800,000 last year. What was your budget then for the first year?

Ms Sharma: That was the first year of operation, including a startup cost of \$456,000, which was taken out of this year's budget. To date we have spent \$600,000, so we are looking at a surplus of somewhere around \$400,000 that will be returned to the consolidated revenue fund.

Mr McLean: Who estimates your budget? Who does your estimates for your budget? He's estimating pretty high. Both years you've—

Ms Sharma: What happened is that we produced one book for two years.

Mr McLean: What was the cost of the books to be produced?

Ms Roycroft: The first year was expensive because we did it for the first time, but Marilyn has managed to bring the cost down considerably for the second year.

Mr McLean: What's it going to cost?

Ms Sharma: The cost this year was \$93,000.

Mr Wiseman: What was it the first year?

Ms Sharma: It was \$189,000.

Mr Frankford: Do you know the sales of the book?

Ms Sharma: For the first year it was sold out in the bookstore. They charged \$34.

Ms Roycroft: We actually make profit for the bookstore. It's a best seller. We don't make that money; the Ontario Government Bookstore sells them.

Mr McLean: How much?

Ms Sharma: It's \$34.

Mr McLean: But they're sent to all the libraries.

Ms Roycroft: That's free.

Mr McLean: There are thousands that go out free.

Ms Sharma: Yes, we send to the 1,500 libraries across the province.

Mr McLean: Is there any consideration being given at all by your secretariat to some changes that could be made with regard to how the people are coming forward to be appointed?

Ms Roycroft: In terms of how we reach out to more people?

Mr McLean: Yes. Well, I think the committee, we come here and we have a person who's designated as an appointee. We go over them and we pick out one or two or three each and like to have a look at them. It would be nice to compare, pick out one area and have some of the people who have applied—say: "Okay, there are three people who have applied. We need one appointment. Let's interview the three and see which one we think is the best."

Ms Roycroft: Right. It may be the decision of the committee or the government to go that route, but at this point—I mean, that would be, in a sense, a formal hiring process or a second appointment process. My understanding of the mandate of the committee is that it's a review process, and I think it does an effective job of reviewing and of publicizing the process by virtue of that. But if you wanted to change that, it would have to be a change that the government supported.

Mr McLean: Last question, Mr Chair. You had indicated in your opening remarks you get a lot of phone calls from all three party members. What numbers would those calls be? Do you get a lot of phone calls from MPPs with regard to appointments?

Ms Roycroft: I probably receive either a letter or a phone call from two to three MPPs a week, and they do come from all three parties. People by and large call to say, "This is a very good person. I think you should look particularly at his background. He's well suited for the board he's applying for," or they call to say: "I don't know this person at all, but I sent you the résumé over. I hope you'll look at him." They give me that information.

So the calls tend to be pretty straightforward, and I try to get back to everybody who does call. I don't always. In fact, I tend to get back to the opposition before our own members sometimes. But I do get those calls and I do get those letters.

Mr McLean: I'll pass for now, Mr Chair.

The Chair: Okay. Mr Fletcher.

Mr Derek Fletcher (Guelph): Just going along with what Mr McLean was saying, as far as MPPs writing you recommendations about people, phoning you, does that carry any weight with the board? Do you listen to what MPPs are saying?

Ms Roycroft: If in fact the person has not been pulled out to be considered because we didn't know that he was specifically interested in that board or agency, it very well might mean that he does get pulled out. In fact, by and large it always does.

The selection process is a very complicated one and it varies board by board. If it's a board where the chair has a very major role to play, then it goes to the chair, with the

information that the MPP requested the person be seriously considered, and it rests with the chair then to do the interviewing, do the selection and make the recommendations.

If it's being done internally by the minister's staff, if it's an advisory committee meeting two or three times a year, again, that would go to them for their consideration.

Mr Fletcher: On page 7, I'm looking at, "To make the guide more accessible to individuals, the secretariat is now making the guide available on a loan basis to individuals who find it difficult to access it at a public library or cannot afford to purchase it from Publications Ontario." Who are these people and how do you make it accessible to them?

Ms Roycroft: Sometimes it's people who call us or drop in who want more information. We have in fact let people take them home, and by and large they've all come back, or we've mailed them out to people who don't have access to a public library and, again, they've come back.

Mr Fletcher: Is that the north?

Ms Roycroft: Yes, it's by and large the north or small communities, or they live on a farm and they don't get into town very often.

Mr Fletcher: This is really the first time that it has been made accessible to people in general across Ontario. How is that working?

Ms Roycroft: This is the first time any government in the country put together—

Mr Fletcher: A guide.

Ms Roycroft: —a guide like this. The Americans have in Washington what they call their purple book, but this is the first book of its kind in Canada.

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Mr Fletcher: How is that working? Has it increased the number of applications, the number of people who know about the system?

Ms Roycroft: Tremendously. We tried to look at the numbers. We were 4,000 last year, and up to 10,000 people this year have either put their applications in, their résumés in, or indicated to us or to the minister an interest. So the numbers are up dramatically. I think for an area of government that was relatively unknown and still is relatively unknown, this part of the process, which is to make the public aware of that level of government, has been very valuable.

Mr Fletcher: How do you advertise this? How do you go about advertising? Do you spend money on advertising?

Ms Roycroft: We did the very first year. Before I came, Marilyn was involved in an advertisement. We were swamped and that's partly how the bank started. We don't advertise in general now. We do work with the ministries and the chairs on specific appointments to advertise. So in other words, if the Social Assistance Review Board is hiring and it is a full-time job, then it by and large advertises for that, and we work with it on the ad, but we haven't done a general ad since the very first one.

Mr Fletcher: Do you get a lot of calls, complaints, from MPPs about the people who have been appointed, or is this just something you're hearing now?

Ms Roycroft: I haven't had a lot of calls complaining. No, I haven't.

Mr Fletcher: I know I phoned once or twice.

Ms Roycroft: I've had some, yes.

Mr Fletcher: All these Liberals and Conservatives in my riding who are getting all these appointments; I'm not sure what's going on, Allan. I'm not sure. You're living in the wrong part of the country, that's all.

Mr Bradley: That was only when Bob White got appointed.

Mr McLean: And you weren't happy about that.

Mr Bradley: Did you approve of the SkyDome appointments?

Mr Fletcher: No, I didn't.

Mr Wiseman: You're using up my time here.

Mr Fletcher: I didn't realize there were more people. Mr Chairman, I'll pass the time right now.

The Chair: Mr Frankford and then Mr Wiseman.

Mr Frankford: A few weeks ago there was a very flippant article on the op-ed page of the Star saying something like, "Need a job? Apply for government," which I thought was very superficial and it didn't acknowledge the fact that this is now an open process, that one couldn't have known one could even apply a couple of years ago.

Ms Roycroft: But in fact it resulted in us getting a good number of phone calls in the following days, and what we do is explain to everybody how the process works. So it was a bit flippant, but in fact it did give people a sense that we're there.

Mr Wiseman: Yes. It brought a lot into my office to look at the book.

Mr Marchese: It's true.

Ms Roycroft: Yes.

Mr Frankford: One of the problems with the book is that it's a hard copy and it's out of date as soon as it's printed. Have you considered an electronic version?

Ms Roycroft: Yes, we are looking into it, and Mr McLean got at the finances a little bit. Because these are the first couple of years of operation, yes, our budgeting may not have been right on, but we've turned back in substantial sums each year. One of the things that we're doing is taking the publication of the book in-house for the next publication, which will save us, again, considerable money and may allow us to also do some electronic updating on that basis.

If people have indicated an interest in a specific board, we keep in the office and available to anybody who wants to see them, master sheets with the current membership of the board. We send those out to people; if they're interested, we send them out to them.

Mr Frankford: So an MPP could update his office files.

Ms Roycroft: Absolutely, and often they do. If they have a special interest in a specific board, they'll call me and say, "Are there any openings coming?" I send them the up-to-date sheet, not just the book.

Mr Frankford: That's worth knowing, because I think we would very much use that.

Ms Roycroft: Because the turnover's quite dramatic. People move, they change jobs and then can't do it; lots of reasons people have to go off before the end of their terms.

Mr Wiseman: Just in case anybody has forgotten the previous method of appointments—

Mr Bradley: Here comes the chief government defender, Dave Cooke's boy.

Mr Wiseman: —I have a book that I've been reading, and it comes from a book called *Dirty Business* by Crooks, an appropriate title. This is written of a description of the Tory—

Mr Bradley: Are you letting the committee know you read books?

Mr Wiseman: Sure. "Every Thursday morning in a private dining room in the basement of the provincial Legislature, the Premier and his closest advisers met to ensure that someone appropriate was filling each of the 3,500 positions in the vast quasi-government network. Historian Desmond Morton has observed that"—

Mr Bradley: There's a neutral observer.

Mr Wiseman: —I knew that would get a few of you going—"the innumerable government appointments are more than comfortable and respectable sinecures for deserving supporters. They also provide a pervasive infusion of values, ideas and directions through most of the governmental and quasi-governmental agencies of Ontario." Of course, that is a description of the government previous to the Liberal government, which opened it.

Mr Marchese: I can't believe that.

Mr Wiseman: No, that wouldn't have happened.

Mr Marchese: Allan, did you hear that?

Mr McLean: I have nothing against political appointments, but don't let on to the people that they're not. That's what the problem is.

Mr Wiseman: I'm going to say that when that book came out—and I first started on this committee two and a half years ago—I promoted it in my riding and I can say that there has been a diversity of people who have been appointed from my riding and that, in fact, I know of no New Democrat who's been appointed from my riding to any of the agencies, boards and commissions. There have been some Liberals and there have been some Tories, but I know of no New Democrats.

Mr Marchese: And we're upset.

Mr Wiseman: And I'm upset—no. But there have been a lot of appointments and a lot of people who've been appointed who belong to no political party—

Ms Roycroft: Exactly.

Mr Wiseman: You said earlier that you have no way of knowing what those numbers are, but—

Mr Marchese: Allan knows.

Mr Wiseman: Allan knows. He thinks they're all political. But in terms of the book, when people phone up in response to the article, I just say, "Come on into my

office and you can fill out an application form just like everybody else and have an equal opportunity to get these jobs."

Ms Roycroft: I think if you have people who are interested in serving either on a specific board or serving on the ABCs in general, the best advice you can give them is to fill the application in and indicate a general interest: "I'm interested in any health boards," "I'm interested in farm boards," or "I'm interested in social service boards," because then their names get automatically pulled out of the computer when we look at any number of 30 or 40 boards, as opposed to their saying, "I'm only interested in a specific board." So in terms of advice for your own constituents, the wider their interest levels and ranges are, the more likely they'll achieve an appointment.

I think that the benefit of the book is that for once people actually have a sense of all the different things that these boards and agencies do. Most people had no idea before; none whatsoever. They just didn't have the information.

Mr Wiseman: Yes, that's true. Have you thought about perhaps informing—I don't know how you would do this—sitting members of all three parties who are actually on the boards and agencies that are in their ridings so that they have an idea, because, as you say, there are so many?

Ms Roycroft: It is in fact something we're actually looking into now, a communication method, and we've been talking to various people about how we can do it mechanically, just because of the sheer numbers, but we would really like to be able to let the MPPs of all political persuasions know of the appointments in a timely manner. We understand you sit on platforms with these people. It would be very helpful for you to know, and we're trying to work on that right now.

Mr Wiseman: There's a lot of interaction going on, especially with our district health council in terms of the review, for example, for hospital beds in Durham, and it would be very useful to know who's on, who's coming up and so on.

A way of doing that, to get back to what Mr Frankford was saying, was that if you have a database on a disk or something and if it's alphabetized and it's accessible through an index of some kind or another by riding or town or whatever, then you'd be able to access them all. Actually, a geographic index would probably be more useful.

Ms Roycroft: The trouble is that the health boards, the hospital boards, are by hospital or by city, but the bulk of the other boards are provincial boards that have representation from everywhere. So that's one of the things we've been struggling with: How do we do the electronic breakdown?

Mr Wiseman: You can cross-index it. You can do it by board, you can do it by name, you can do it by geographic region. For example, Durham is so big. I mean, Durham is bigger than Metropolitan Toronto in terms of area and there's diversity all over. There are agricultural boards and—

Interjection.

Mr Wiseman: Don't get me on Toronto. But anyway, if I can leave you with one thought, this kind of electronic index would be very, very useful.

Mr Frankford: CD-ROM.

Mr Wiseman: Yes, CD-ROM. They're making the CD-ROMs even more accessible now, faster application, and it could be done through an e-mail network of some kind or another. You just phone up and you can get it.

Ms Roycroft: We'll have a look at that. Thank you.

The Chair: Mr Marchese, just about seven or eight minutes.

Mr Marchese: Jim Bradley actually raised an interesting point about getting the best-qualified people in order to deal with some of these committees where civil servants control an agency or board. It's an interesting point because in my experience, as well, I know that a lot of boards simply dominate the committees and there is no critical review and there's no criticism of the organization.

It seems to me the way to get at that is that you would need so many more people in the office in order to look at what the problems are in the board, agency or commission and find out who the suitable person would be. I can't see how else you would do it, but the point is an interesting one in terms of what you might want to do.

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Ms Roycroft: It was a very thoughtful point. I think the only way we've been dealing with it is to work really closely with the chairs, who by and large know as much as anyone can know about the workings of their boards, and to respond to their needs for specific expertise. The example, again, of the meeting yesterday with the chair of the Lottery Corp—the chair really wants some specialized expertise not so that they can second-guess what the corporation staff are doing, but so that they can do some planning 10 years down the road. How we do that takes time, but it's valuable work to be done—I don't dispute it—and we use the chairs at this point. That's the closest I can come—and some of the ministry people who work closely with those boards.

Mr Marchese: The difficulty is that if you rely on the chair as a source of information, if the chair happens to be the source of the problem, then you will not get good information as to who should be appointed, and in some cases the appointment suggestions come from him or her.

Ms Roycroft: It's true. It's difficult. It's very tricky.

Mr Marchese: How many applications did you get that you have to sort through?

Ms Roycroft: We have over 10,000 formal applications or contacts. In other words, they've written us a letter, they phoned in or we have a piece of paper from them. Those come to our office, they come to ministers' offices and they go directly to the chairs of the boards and agencies. Not all of them end up in our talent bank, in the computer bank, because if they're interested in only health boards, because they appoint over 3,000 appointments, they tend to keep their own system and we don't get as involved in that. But we have 6,000 or 7,000 in our own talent bank.

Mr Marchese: Right. That's the difficulty. Allan McLean talked about this in terms of some people who apply and they don't get it, and the implication or assumption is made that it's given to another political appointment, as opposed to the fact that you deal with a great deal of applicants and how do you sort it out. I think people should remember that when you get thousands of applications, it's not an easy process to deal with. If somebody doesn't get it, to simply make the assumption that it's given to a political appointment I think is a mistake. Don't you agree?

Ms Roycroft: Yes. I agree.

Mr Marchese: I want to say, for the sake of continuing with Allan's point, that we get a lot of people from our own political base saying to us: "Why is it that you appoint a lot of people who are not in fact NDPers or people who have supported this party? Why is it that you appoint others?" And they point to mostly Conservative appointments.

Mr Wiseman: They point to Andy Brandt in my riding.

Mr Grandmaître: That's one out of 5,000.

Mr Marchese: Bernard, that's what we say about some of the NDP appointments. The point is that the same kind of criticism that people—

Interjections.

The Vice-Chair (Mr Allan McLean): Mr Marchese has the floor. Don't put this Vice-Chair in a problem. Mr Marchese, carry on.

Interjections.

Mr Marchese: You're keeping great order, Mr Chair. I'm really happy about that.

The Vice-Chair: Really, what you're supposed to do is ignore the interjections and carry on with your question.

Mr Wiseman: Yes, they're out of order.

The Vice-Chair: They're out of order.

Mr Marchese: I just wanted to—

Mr Grandmaître: Continue. It's very interesting.

Mr Marchese: Of course it is. I just wanted to simply balance the criticism in a way that people are aware that we get the same problems from our end as you assume from yours. It's useful for Marilyn to know that, if she hasn't heard it from the rest of our colleagues.

Can I ask you—I think you mentioned this: How has the opening up of the appointment process brought new applications or new applicants whom we might not have ever had in the past?

Ms Roycroft: There have been a number of ways it was opened up. The book is the biggest and the most obvious, because the book is everywhere, people can see it and people talk. What tends to happen in terms of appointments is networks. People get talking with each other and they pass the word around.

In addition, there was the ad that was done about a year ago now. We have never ruled out the possibility of doing another ad. In fact, we may very well do a more selected one in targeted areas. There's also the whole secretariat, which is a number of people who handle phone calls. Three or four of us go out on a regular basis to meet with

groups to explain the agencies, boards and commissions and that whole system of appointments. Finally, there's the standing committee review process, which again spreads the word to the wider community.

So I think the work that we do with the standing committee, with people who apply, with the chairs—there's just a lot more information about what boards and agencies do, what vacancies there are, how you manage to get on them or not and to express an interest in it. I think it's very positive in terms of both the public administration in this province and public policy development, because boards and agencies are this odd hybrid of administration and policy development. I think the more people who reflect a wider range both of issues, opinions and communities that are on boards and agencies, the more we'll have a more responsive system, and that's good government.

The Vice-Chair: A short question, one minute.

Mr Marchese: Thank you, Mr Chair. That's fine.

Mr Grandmaître: Let's go back to your bank of names. How many names would you have in your bank at the present time?

Ms Roycroft: In the physical bank in our office we have somewhere around 6,000 or 7,000. We also have, though, in various chairs' offices and in the offices of ministers who are responsible for the various agencies, probably an additional 4,000 or 5,000, which we access and they access. We don't all put them into the computer bank, but they come out of the information that's been spread by virtue of this public process. In the past, people didn't write in asking to be on boards and agencies in the numbers that they do now. At least that's my understanding from the civil servants I've been dealing with. So the process has increased the number of interested people.

Mr Grandmaître: How are they entered in your bank? By their interest in a ministry or—

Ms Roycroft: Marilyn could speak probably a bit more accurately about this.

Ms Sharma: Generally, what we do is enter their name and their address. If the person applied for a specific board, we would enter that board. We would enter whatever information they provide on the application form in terms of experience, skills, any professional qualifications, and if they don't have professional qualifications, any community experience they may have indicated on the form. We have key words in terms of skills, professions and experience that we can call individuals up under.

Mr Grandmaître: I've noticed in the last 18 months, let's say, that there have been a lot of lateral appointments. What I mean by "lateral" is people already working in a ministry—let's say Housing, for instance—and they're appointed to an ABC. I've noticed this in the last 18 months. More and more people from ministries, already active in a ministry, are being appointed to an ABC. How come?

Ms Roycroft: Well, Mr Grandmaître, it's only in very special circumstances where the board, by definition of its makeup, has civil servants on it. By and large, they're not there, so it would be only because the makeup of that board.

It was interesting when Jim read the book and the number was 3,500. We're now over 5,000. There are new boards and agencies that get set up, it seems, frequently, and some of those do say there must be some crossover with a civil servant. But if it doesn't say that, we by and large don't put civil servants who work in the same area on those boards. We have occasionally. When someone who was a member of the OPS applied for a board or agency that was not in their area at all, we have of course put their application forward as a possibility. But I think what you're talking about is a direct link between what they do and the board.

Mr Grandmaître: That's right.

Ms Roycroft: All I can say is that that would be the makeup of that specific board. Have you got an example?

Mr Grandmaître: I can't give you specific examples, but especially in the last maybe 12 or 18 months, I've seen more lateral movement of people, especially Housing. For a while we've seen a lot of people making \$50,000, \$60,000, \$65,000 a year being transferred from their ministry to an ABC at the same salary.

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Ms Roycroft: It's the rent review board that you're specifically referring to. Nancy was here. My understanding is that because that board is in fact slated to sunset within a year, to deal with the existing case load there were several civil servants put on, but it was specifically for a period of time to work on the case load that already existed, because the board's not expected to go on. That's my understanding of that situation. There are some other boards where we have done an appointment of a civil servant, but it's very rare in my experience.

Mr Grandmaître: I'll have to make a note the next time this thing happens.

Let's go back to the frustration of this committee. I think it's very important that you should know, because this is what you call a new process. I have a copy of the Premier's announcement in the House on December 20, 1990, that he was going to change. "The time has come to strip away the secrecy and mystique which have always surrounded the government appointments."

Mr Noble Villeneuve (S-D-G & East Grenville): Sounds good.

Mr Grandmaître: It sounds good and it looked good at the time. But what really frustrates the members of this committee—I don't know how the members of the government feel about this—is that when you pick up the Globe and Mail or the Toronto Star on a Thursday morning, right after the Premier has signed the order in council on Wednesday morning, you read about the appointment of Miss So-and-so or Mr So-and-so. Then they have 30 days to appear before us. That's a mockery. They have already been appointed. The OIC is signed. If we were to vote—and I have dared the members of the government to vote against that OIC. That's never happened. It's frustrating because here's a Premier who's telling us the secrecy is gone, the mystique is gone, we've got a clean sheet and yet

we read in the newspaper that this person has been appointed and yet he has 30 days to appear before us.

Ms Roycroft: What you read about are the appointments that the government already understands have some profile attached to them. In that case, it's been the decision to make the announcement that this is the government's intended appointment. The order in council in fact is not signed until the person goes through the process. It gets signed by the Lieutenant Governor when the person goes through this committee process and only then.

Mr Grandmaître: How come we read this in the newspapers?

Ms Roycroft: Part of the public process is that the names come to this committee. The names are already part of the public and so the government decided in a very select number of situations, the chair of Hydro, for one, where it would, because of the interest in the appointment, make a public announcement about the nature of its intended candidacy. We take 100-plus appointments to cabinet every week. You don't see them in the papers. You only see some that already have some profile attached to them.

Mr Grandmaître: Ms Roycroft, I'm going to tell you something. I get phone calls from people phoning me. They say, "Look, I've been appointed to such-and-such an ABC and I might be invited to come before your committee." They already know, and I don't even know and this committee doesn't even know. They phone me and say: "Look, I might have to go before your committee. How does it work?" I feel frustrated because I'm a member of this committee and I want to know.

Ms Roycroft: You would know that because the committee gets the name the day after it goes to cabinet. The people will get phone calls to let them know that they may very well be called before this process, before the committee.

Mr Grandmaître: No, I'm talking about people saying, "Look, I was told that I was appointed to such-and-such an ABC."

Ms Roycroft: The process is not a simple one for people to understand. It is a complicated process. The way it should work is that they get called after it's gone to cabinet with information that their name's going forward and that they may be called. By courtesy they get told that. But you have the names as part of this committee before that should happen. Mr Grandmaître, it's not perfect. I know sometimes it doesn't happen exactly like that, but that is what the intention was.

Mr Grandmaître: No system is perfect, but I'm going back to the Premier's comments of December 20, 1990. He was going to just accomplish a miracle in the province of Ontario, no more patronage appointments and so on and so forth, and when you have to sit Wednesday after Wednesday in this place and go through this mockery, this masquerade, it's frustrating.

Ms Roycroft: Let me paint a picture which shows you that it is not a masquerade. The Social Assistance Review Board in the past was greatly criticized for the partisan nature of its appointments by a number of previous governments going back 20 and 30 years. In the fall of this

year there was an ad placed in the papers. They received 450 applications. There were four vacancies. The chair set up basically a review, a panel of people, comprised of herself, two other people on the board itself and a couple of outside academics and community members. She interviewed and recommended to the minister involved and those appointments were made. We had unbelievably little to do with it.

She's now got two more vacancies. She's told us she'd prefer not to advertise, for the expense. She still has the 400 applications of six months ago. She's going after the best qualified, best experienced people she can find. She was appointed and given the responsibility to do that and by and large she's doing it.

That's one example. Those are full-time jobs now. They are different from the advisory ones; I don't dispute that. But that's one example where the process has changed dramatically from where it was in the 1970s and 1980s.

Mr Grandmaître: Also, if you do add a bank of 5,000 to 10,000 names, how come a good number of people who appear before this committee have been approached by ministry staff? Don't you not have enough competent people in your bank of names that they have to be approached by the minister's staff or ministry staff?

Ms Roycroft: You're hearing that people are called by them?

Mr Grandmaître: Yes.

Ms Roycroft: These are people who have not previously indicated in some way or another that they are interested?

Mr Grandmaître: Right on.

Mr Roycroft: In some cases, if they don't feel that they have an adequate number or an adequate representation base, ministers' offices do try; they do outreach to stakeholder groups and communities to try to find more people who might be interested. That's the only explanation I would have, and I would think it would tend to be the people who are directly working with those boards and agencies. That would be the only explanation I would have, that they didn't feel they had an adequate selection base.

Mr Grandmaître: These people tell us: "I was asked. I received a phone call from somebody."

Mr Marchese: Who are these people?

Mr Grandmaître: I don't know; I'm asking.

Mr Bradley: They are the "they" John Diefenbaker always referred to.

Mr Grandmaître: These people have received a phone call from somebody in the minister's office or somebody in the ministry, asking them to apply.

Ms Roycroft: But isn't this an example of how the mystery's been taken out of the process? We have a book. We have people reaching out.

Mr Grandmaître: No, no; I'm going to stop you there.

Ms Roycroft: There isn't any mystery left in it.

Mr Grandmaître: No way. It's a front. You're asking people to apply, and yet you leave those names aside, you pick up the phone and you say: "Joe Blow, you'd be a great candidate. Apply for it." So that's a front.

Ms Roycroft: You'd have to say the same thing about the 450 people who applied.

Interjections.

Mr Grandmaître: I've got them on the other side. I've got them going, Mr Chair.

The Chair: Just to remind you, Mr Grandmaître, your colleague Mr Cleary would like to ask some questions as well.

Mr Grandmaître: Oh, John, go ahead. Do you want to see my questions?

Mr John C. Cleary (Cornwall): I've got some of my own. Thank you, Mr Chairman. It's my understanding, in the previous conversation, that you had said a monthly report of upcoming vacancies, six months in advance. Who all will get notified of that?

Ms Roycroft: The vacancy list goes to the ministers who are responsible for the boards and agencies. In other words, if it's a Health board, the Health minister gets the notification. Everybody has the book, so you see it over the next three to six years, because the terms of when they expire are in the book. We try to help the ministers and the chairs out by giving them advance warning that their term expiries are coming.

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Mr Cleary: Who gets that book, again?

Ms Roycroft: This book goes out to all public libraries in the province, all MPPs' offices, labour councils and a number of professional associations and community organizations that have requested it. It is available in the bookstore and can be purchased.

Mr Cleary: When did that start going out?

Ms Roycroft: The first one went out a year ago. This is the second one and we're in the works for the third one now.

Mr Cleary: You mentioned three-year appointments with a possible renewal of the appointment for another two years, three years.

Ms Roycroft: The normal procedure—Marilyn, correct me if I'm wrong—is that the bulk of the appointments are for a three-year term with the possibility of a one-term renewal, but some legislation has two-year terms. Occasionally, some legislation says there can't be a renewal, but by and large the bulk of the appointments are for three years with the possibility of a three-year renewal.

Mr Cleary: Say I'm running out on my three-year appointment. For what reason would I not get reappointed?

Ms Roycroft: The reasons vary tremendously, but the bulk of them would be non-attendance—the chair simply says it's just not working—or an indicated non-interest. In other words, the person says he doesn't want it. The reasons vary, but they're pretty straightforward. They're not differences of opinion usually. The only time someone would be told that he wouldn't be reappointed would be if the minis-

try or the chair have determined they need some additional or different expertise or there are some other needs the board has that aren't being met and they need some greater appointment flexibility, but those are very rare situations.

Mr Cleary: In other words, from what you tell me, if a person attends the meetings and the chairman is satisfied, he should be reappointed the second time.

Ms Roycroft: That is by and large how we've tried to operate, as did the Liberal government when it took over in terms of having people who were already in position for certain periods of time by the previous government. Let me just say there are exceptions and there have been. We've never denied that there is a partisan nature to some of this, but those are extremely rare exceptions. I know that because I get involved in them and they are very rare.

Mr Cleary: This book we have now is updated?

Ms Roycroft: Yes. In fact, a number of the other staff are here who keep the book updated. This book translates into three binders in our office and it's updated almost daily, so anyone at any moment can find out the exact—if you call us because a constituent of yours is interested in a particular board, we can give you the exact vacancy on any board at any time. That's what we do for MPPs and members of the public who call us.

Mr Cleary: It's all yours, Bernard.

The Chair: Time for one quick question.

Mr Grandmaître: I might as well use the time.

Mr Bradley: Just reading the coverage of yesterday's shuffle, I can think of two appointments you could make that would fit in perfectly with your government.

Ms Roycroft: I'll talk to you later, Jim.

Mr Bradley: The Premier's staff themselves couldn't have written the story better.

Mr Grandmaître: How can you improve the system?

Ms Roycroft: I'm certainly open to suggestions. We've been looking at that. We're trying to figure out some better ways to communicate with members all across the parties about the appointments process and the appointments that are made. I think that's fair, and we should be doing that better. We need to be more creative and have different strategies around how we distribute the information about boards and agencies. The public education component, as I've said, is very important: We'll only get more and better-qualified people if more people know about it. So I'm looking all the time for ways to get out better information about it.

I think the committee occasionally focusing on specific boards for a while and then also reviewing the mandate of an agency is very helpful. That highlights your interest for the minister involved, the chair and the members of that board, and you can reflect some of that.

I'll stop now, because you wanted to add something. Please go ahead.

The Chair: We'll come back.

Mr Grandmaître: Mr Chair—

The Chair: No, I've been more than generous with you, Mr Grandmaître.

Mr Villeneuve: Ms Roycroft, if I as an MPP write you a letter of support for someone from my riding who I may or may not know—

Mr Bradley: Mistake number one.

Mr Villeneuve: Is that a mistake, as my colleague from St Catharines has suggested?

Ms Roycroft: Absolutely not.

Mr Villeneuve: Would you handle this differently than a name you have received?

Ms Roycroft: Absolutely not. We often get letters of recommendation from mayors, from federal MPs, from lots of community people. Their letters of recommendation go along with the application and the résumé to the chair and to the minister's office, and they're not treated any differently at all. In fact, if you can speak to someone's community involvement or to important parts of their background which would make them a better candidate, I think it's incredibly helpful for you to do that, and I encourage MPPs to do it.

Mr Villeneuve: Does it help? Does it carry weight? I hear you say it goes in with the application, the résumé, whatever goes to the chair or to the minister or wherever it goes from your office. Is it positive, is it negative or is it neutral?

Ms Roycroft: It's positive in that it highlights them, because chairs and ministers are political people, but in all fairness, it's probably more neutral in the end. If the push is for expertise and skills, which by and large it has been, there's no question it would be neutral for the full-time boards: In the end there's almost a quasi-hiring process, so skills, knowledge and expertise are going to be the determining characteristics for the candidates.

I think it's still worth doing. For you as a politician to encourage people to do that by virtue of writing letters and encouraging them is very positive to the system of government in this province. That's partly what the boards and agencies are: They're a fourth level of government.

Mr Villeneuve: I come from a very rural riding way out in the far southeastern reaches of Ontario. We don't have a great deal of representation other than the St Lawrence Parks Commission, which is a local organization, and we do have primarily people from the riding, which is a natural.

Ms Roycroft: In fact, that's a board that advertised locally just a little while ago, and we've received a real increase in the number of applications, which is terrific. We were very pleased.

Mr Villeneuve: I have several people who've contacted my office. Effectively, they say, "We know that you, as the elected person, can make this happen," and I say, "Well, I'm sorry."

Interjection: You used to be able to.

Interjection: Not any more.

Mr Villeneuve: The government people say I used to be able to. Quite obviously they can make it happen now.

Ms Roycroft: I think they should respond.

Interjection.

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Mr Villeneuve: Back to the question. The far reaches of the province, the north, the southwest and the southeast, by and large do not have equal representation on many boards, agencies and commissions. Is there some way of correcting that? I realize my riding is a four-and-a-half-hour drive from downtown Toronto, southwestern Ontario is three and a half hours and the north is so many hours of flying time. But we do want representation from those people, who, just because of the geography of our province, do not have as much opportunity as the downtown people. Is there some way you're trying to address and correct that?

Ms Roycroft: You're absolutely right. We need that representation on boards and agencies. Everyone's aware of that and struggling to try and discover better ways to do it.

The advertisement is one, and we're looking exactly at targeted advertising in certain areas to say there are appointments available in X areas, a more general ad, but targeted geographically, particularly in the northeast. The northeast of the province is badly underrepresented, in a sense, and we've been trying to do something about that.

We're open to any suggestions. It's not an easy one, because the appointments come, as you know—there's no pattern to it. Vacancies occur; they're on different boards; people have different interests.

One of the advantages of the application form is that people who not everybody knows get a chance to say: "Yes, I'm an engineer, but I'm interested in this whole other range of boards and agencies. I'm interested in health issues and social issues." If you could encourage more of your constituents to send us in more general interest applications, as opposed to, "I'm only interested in the St Lawrence parks board"—I use that as an example. But "I'm interested in any tourism board" would, by definition, get their name pulled up for more provincial boards as well as the local boards. That's one way of increasing the possibility of selection. We work closely with the ministers' offices in this regard, but we're open to other suggestions.

Mr Villeneuve: So you're suggesting that I, as an elected person, do send letters of recommendation. Be they neutral, as it appears to be, you're still suggesting that we do it.

Ms Roycroft: Absolutely.

Mr Villeneuve: It's pretty frustrating at times.

Ms Roycroft: Mr Bradley and I talked about this at the very beginning. I think the times have changed. I think this is the way appointments are going to go across this country now. Our understanding from phone calls from various other provincial governments is that they're looking at our system. This is the way it's going to go. The public is demanding a much more open, a much more accountable process.

If that's the case, as a local MPP you have an opportunity to use your influence to encourage people to become part of that process, and that's an asset for you. You don't

have to be ashamed of the process. You can be proud of it and you can have a role in it.

Mr Bradley: But then he'll owe the government a favour. In opposition, never owe the government a favour.

Mr McLean: Give me a break. The city of Orillia had looked at eight different people; it had recommended one. The appointment was made. That person wasn't even known to the city council, wasn't known to me, and yet got the appointment. The next appointment they made was an aboriginal who lives on the Rama reserve; he was appointed to the Orillia city police commission. My understanding is that the person is affiliated with the NDP on the reserve. Yet the council had written a letter—and you're saying to this member that it is an asset for him to write. I'm telling you, why didn't the city of Orillia's letter bear some weight. They appointed somebody who's not even known to them.

Ms Roycroft: I don't know the specific example; obviously I'll look into it. But I can only say, in the general sense of how I've seen the process unfold in the eight or 10 months I've been here, that is my experience. There are exceptions, and this may be one of them, but the general rule is exactly how it has been working.

Mr McLean: We're looking at appointments here to the Ontario Land Corp. There's been no legislation created for that, yet there are people who are looking to be appointed to it. Why would that be?

Ms Roycroft: Until we have legislation or an ability to actually appoint people, it will be unlikely that their appointments will happen. We need a legislative basis on which to make the appointments.

Mr McLean: We're going to be interviewing Fred Upshaw and I think Mr Ryan. They're here for recommendations.

Ms Roycroft: This is the new Ontario Land Corp? I'm sorry, I thought you were referring to another board.

Mr Bradley: Fred's apolitical. Don't worry.

Ms Roycroft: All I can say is that I actually will look into it. I was aware that we were looking at the legislation, but I'm not current on where it is. I'll look into it for you and get back.

Mr McLean: I feel bad that you're so positive about these appointments yet I can show all kinds of examples where it's not happening. I'm disappointed that the public out there doesn't know it's not happening. What am I to say to the Orillia mayor about how these appointments are affecting him? Everybody knew the guy who the city thought should make an excellent appointment: totally ignored. Yet you say the letters of support are proper. It's misleading.

Ms Roycroft: If the person was someone that the municipality really wanted on, the municipalities on the police services boards do have a certain number of positions, so they could appoint that person. Again, I don't know the specific case.

Mr McLean: There are three provincial appointees.

Ms Roycroft: Right, but there are municipal appointees on police services boards.

Mr McLean: Well, they're always the mayor and somebody else; they'll look after that. But it's the provincial appointees who are the problem. Of course, the chief financial officer, the last time, happens to get the other appointment.

Mr Bradley: Called the bagman.

Mr McLean: The bagman for the NDP. So you're telling me it's a process that's open? For the record, it is not.

The Chair: Are you finished, Mr McLean?

Mr McLean: Yes.

Mr Frankford: I'd like to ask you something about the comprehensiveness or the accuracy of the book. I'm aware of two agencies: One is the advisory committee on genetics, which was certainly listed in the first edition. So far as I know, it doesn't exist, although by being listed there it gave every indication it was, and I think this is potentially quite an important agency. Another agency in which I'm particularly interested in Scarborough East is the board of the Guild Inn, and this was not listed in the first edition, and it was only really by happenstance that we found there was legislation creating a board. Are you aware of any other missing agencies?

Ms Sharma: In the case of the first one, normally what happens is that agencies don't come off our books unless they are officially off. You may have seen that all the members' terms have expired, but it has not been officially removed from our records, and it stays on until that time.

In terms of the Guild Inn, I'm not familiar with the legislation that created it or whether or not it is a provincial board.

Mr Frankford: It is indeed, because appointments have been made.

Ms Roycroft: There were the odd appointments that we didn't catch the first time. We've been trying to catch them as we go along. We are trying to clean up the boards that still remain in the book that aren't really functioning now, but our sense was that as long as they existed in legislation we had to list them, even though the appointments aren't being made. We have talked to the ministers involved about the problems for the public that that presents. We're trying to clean it up.

Mr Frankford: Yes, because I think the genetics one was really an important body; I know people who were interested in getting on that.

Mr Dennis Drainville (Victoria-Haliburton): I just wanted to say that in terms of the discussion I've heard thus far, I would like to clarify something as a member of the government party, because I think there are some misapprehensions and misunderstandings about the system. There's no question that the system of making appointments to agencies, boards and commissions is a system which has a partisan element to it. There's no question about that, and I don't think anybody would deny that.

To say that that partisanship is in fact becoming more pervasive is absolutely erroneous. As a government member, I have sent many letters and I have made requests, long before my present difficulties on certain issues, and very often those appointments have not been made, even though I have tried to make strong representations about certain people.

There is also a tacit understanding under the questions you're asking that, "Because you are government members, naturally you will be trying to promote New Democrats." Let me be clear about that. I've promoted people from every party for positions on agencies, boards and commissions within my riding.

Mr Grandmaître: That's why you're not in cabinet.

Mr Drainville: And the one I worked the hardest for was for a gentleman named John Eakins. So I want to be very clear. With all the hidden thoughts that somehow it is only a matter of partisanship in terms of appointments, we need to be very clear about this point: that those who care for their riding and care for their constituents are always going to ensure that those they try to give references for are people who have the qualifications and will do the best job for the people of Ontario.

Mr McLean: You've got a lot to learn.

1140

Mr Tony Rizzo (Oakwood): When people show some interest in any appointment and they are not chosen, other people are chosen, do you get in touch with them? Do you inform them that, "This person has been chosen instead of you," or that we are going to keep their application for another appointment, or what?

Ms Roycroft: The sheer numbers don't allow us to do as much of that direct communication with people to keep them informed about the process as I would like. If they get to the final stages and it's a full-time job and there is an interview process, if they get that far, of course they get letters or phone calls to say what's happened. But if they're one of 300 people who have applied for a minister's advisory committee and they don't make it, we aren't yet able to let everybody who doesn't get it know. We, of course, let the people know who do get it.

No one comes out of the bank. If the appointment they were interested in is filled, we still keep their name in the bank because what we've discovered over the course of the two years is that people resign, people leave, and we always need to have others, and people who have already expressed an interest is where we start. We're not quite as able to inform people of the process of the appointments in a general way as much as we'd like, just because of the sheer volume of the numbers.

Mr Rizzo: I know it would involve some costs, but do you think it would make sense if—for example, some people applied and nobody got in touch with them for any particular reason because other people have been appointed. I think it would be good PR if they were informed of those people who had been appointed so they could more or less look at the qualifications of those people and then feel good about themselves and say, "Okay, I've not been appointed, but somebody else who was more qualified

than I was has been put in my place," rather than a government member or whatever, a representative of any particular party.

Ms Roycroft: I hear what you're saying, and we will look into it. We have been trying to figure out other ways to do it that would be less costly and would be time-efficient, and we will continue to look at it.

Mr Wiseman: Just as we were talking earlier about the Toronto-centred problems in terms of the agencies, boards and commissions, there's another problem. If you come from a region such as mine, which is Durham, we have an Oshawa-centred problem in that most of the agencies, boards and commissions have a preponderance of their members from that core area, which means that in some cases the areas that are not part of that core wind up being underrepresented and therefore do not receive the same kind of services that the core region does, particularly in health services and outreaches for counselling, whether it be addiction or AIDS or whatever, or whether it be even facilities for battered women.

How can that be addressed? In the boards, agencies and commissions that are centred, like the district health councils and so on, how can the regions like Ajax and Pickering have their voices heard when they have such a minority of people?

Ms Roycroft: It's a valid point you make, and I think that it's actually worth talking to the Minister of Health about because it is a concern, and district health councils are very important and people care about them. We understand this because the sheer numbers of people who are interested in sitting on them are enormous. You're right: To get accurate representation of the community, the wider community and the centre core, is a very difficult thing.

Now that you've raised it with us again, we will bring it to the attention of the minister's office. We're working more closely with the minister's appointments, not just the Premier's appointments but the minister's appointments, in terms of trying to help with efficiency, because with the health appointments there are some problems with quorums when we don't get the appointments made in a timely fashion and also in terms of equity. We are starting to work more closely with the minister's offices. We'll bring that to their attention for sure. We've heard it before from people in the communities, and we'll try to raise it again.

Mr Wiseman: Would it be worth investigating a double-majority or a triple-majority type of structure so that nothing can pass unless it's agreed to by all regions equally? It really is a major problem. For example, in Ajax and Pickering, which have a population larger than Oshawa, we don't have services for battered women, and we don't have services—

Mr McLean: Garbage dumps.

Mr Wiseman: —for children who are in desperate need. The one place that we did have was closed because it didn't rank high in terms of the district health council's grading. The one thing we do get, as somebody mentioned, is dumps, and it's for exactly the same reason. It's that the preponderance of the elected officials are also somewhere else, so they tend to pick on an area—

Ms Roycroft: I hear the concern and I don't disagree with it. I think you should raise it with the minister, because if you were looking for a change in the voting mechanism it wouldn't be through our process. It would be through theirs.

Mr Bradley: You can't speak for the government on this, I realize, but I'll try to elicit some views from you. If this committee were really to be similar to an American committee, the Senate, which considers members of the cabinet, if it were to have a degree of importance, this committee would have the ability to veto appointments by the government. Do you foresee the present government allowing a circumstance where this committee would really have the power to veto appointments of the government?

Ms Roycroft: I can't give you a definitive answer on that, Jim, but I can certainly say that it's my understanding that if this committee, in its review process, brought to the public attention serious reasons why someone should not be appointed, that would obviously be brought to the attention of the cabinet minister, the cabinet and the Premier. That is my understanding of how it works and it's certainly how I've been operating since I've been doing this job.

Mr Bradley: Another radical change—and I'm not holding my breath until it happens and I'm not saying it in a particularly negative way—that would be contemplated would be allowing the committee to review a number of names and to make a choice. From your contacts with the people who have the real power in the government, do you foresee that happening?

Ms Roycroft: Again, I can't speak for the cabinet, but my sense is that most governments would be unlikely to change that aspect of it. The very fact that this is a review process as opposed to an appointments process determines the mandate of this committee. The partisan nature of the appointments process has been talked about this morning. I think what Mr Drainville raises is the interesting point. It isn't so much partisan in a party sense, but any government retains the right to appoint people who share the direction that that government wants to go in in terms of some serious policy directions. I can't believe governments would want to change that in a major way.

Mr Bradley: The next question relates to the practice of having people appear before this committee. I'd be interested in your comments on the experience. It can have both a positive effect and a negative effect, so the first question—it will be a two-part question perhaps; we'll see how it comes out—is, have you found that by requiring people to potentially appear before this committee, you have had people not wish to proceed with an appointment because they're afraid that the members of the committee might ask them a question which would be potentially embarrassing to them in a public sense? Is it scaring some good people off, or at least some people off?

Ms Roycroft: It has made some people nervous, not so much that they're afraid of—what's been expressed to me is that they're just nervous about speaking in public, in front of the members with the media present, if they were there. That's the nervousness for lots of members of the public who would never normally be in this forum, which

is why they hear about it ahead of time, which is Mr Grandmaître's point. We try to reassure them. To the best of my knowledge—Nancy could correct me—I don't know of anyone who has said, "No, I won't go forward." They've expressed some concerns about it but they've gone forward.

Most of them come out of it saying, "That was really an interesting process," and they learn a lot about how everything works. For most of them involved, the feedback we've had in terms of some phone calls and letters has been that they have valued the experience and taken it back to their work on the commission in a much more serious way.

1150

Mr McLean: Could I have a supplementary? Mr Stewart from Penetanguishene, who applied for the police services board, resigned before he came on the board.

Mr Fletcher: Why?

Mr McLean: The guy didn't want to appear before the committee.

Ms Roycroft: Again, I don't know of that specific example, but—

Mr McLean: I do.

The Chair: Do you still have more, Mr Bradley or Mr Grandmaître?

Mr Grandmaître: Yes. Let's talk about the role or the responsibilities of this committee. As you know, this committee was to review agencies.

Ms Roycroft: Yes.

Mr Grandmaître: Personally, I think we're not doing a very good job, because of the added responsibility of reviewing appointments. I've tried at least three times, I guess, to get the Premier to realize what this committee is doing, especially the added responsibilities. He should create a specific committee to look at appointments and maybe another committee to look at agencies, because we're not doing a very good job as far as reviewing agencies. This was the intent of this committee when it was first created, to look at agencies.

Ms Roycroft: My understanding is that you are going to be discussing the mandate this afternoon; you're going to have a discussion around that issue this afternoon.

Mr Grandmaître: What are your thoughts on that?

Ms Roycroft: It's an interesting question. I think the balance to be struck is the benefit you gain as committee members having the opportunity to talk to individuals who are going to take part in that commission. You learn a lot from that process and you also learn from the agency review process. The mixing of those two information sources gives you a better sense of what's happening out there than you would if you only could look at one part of it; let me put it that way. The time factor remains your problem. It's a problem for us also. When the House isn't sitting and you don't meet as frequently, we do occasionally run into some quorum problems, so we're constantly pressuring the House leaders for more time for this committee also. I think that's a point that you need to discuss.

The Chair: Can I have a supplementary, Mr Grandmaître? It's tied into your response and what Mr Grandmaître's asking about revisiting the question of a separate committee. When you suggest revisiting, who are you talking about? This committee revisiting it or the government itself?

Ms Roycroft: I think if the committee discusses it and has some recommendations, obviously the government would look at that.

The Chair: I see, but there's no intention on the part of your office or anyone within the government.

Ms Roycroft: No one has talked to me about it.

The Chair: Okay.

Mr Grandmaître: If you go back to Jim's inquiry of when this one person sits at your desk and she or he is the chosen one—"Out of 10 million people in this province of Ontario, you have been chosen to sit on that board or commission, whatever." They're supposed to be the very best, the cream of the crop. We have people who come here and have no idea what they're getting into, especially on police commissions.

Mr Bradley: There are a lot of elected people in that position.

Mr Grandmaître: Especially on police commissions. They have no municipal background; they don't know anything about municipal budgets or police budgets. They know the police chief in their community and how many constables are on the force, but that's it. I'm questioning, why did you choose this person? That person is supposed to be the very best in that community, and they don't even know about community policing; they don't know anything about policing. Do you think it's fair for those people?

Ms Roycroft: Let me raise a couple of points. The boards and agencies vary, as we've said, greatly in what they do. In some cases, people are there because the need is for a very specialized expertise or experience in a community. In other cases, by legislation they must be laypeople, so on some boards and agencies you get laypeople coming before you, and my concern is that I want this committee to always know that the person is there because they can't be a health professional or they can't be whatever. I think that would help your review process. I think that's started to happen now more than it was before. That's the one point I wanted to make.

The other point is that a number of chairs have raised concerns with us about turnover of membership and what happens with that, the loss of expertise. We are in the process of working with almost every chair to try to develop some better training processes, because no matter whether the person's a layperson or an experienced person, most people come to the board not knowing enough about it, and they need a training process. In fact, in some boards

there's none at all. Most boards are now looking seriously at training, which would address some of the concerns.

I guess the only other thing I could say directly in response to the police services one is, as much as possible—again, the definition of the "best qualified." If we were looking at a job definition with job descriptions, it would be an easier role. These are very difficult and unscientific positions we often are asked to fill. As much as possible we work with the chair and the local community to try to reflect that community and fulfil the needs so that the board does do that.

If we're not doing that, I want to know about it, because that's something the minister needs to know about, and we will try to change some of it, because it is not our intention to have police services boards that do not reflect in a very real way the expertise, the experiences of that community. It just doesn't make sense.

Mr Grandmaître: One last question, Mr Chair: Would it be possible for our research people, who do a good job—that's one good thing about this committee; the research people are good—when we are being briefed, to let us know how many people applied for this job or for this appointment? Because we only see one person.

Ms Roycroft: I'll look into that.

Mr Grandmaître: Is it possible to provide us with more information and say, "One hundred and fifty people applied for this job"?

Ms Roycroft: I'll look into it. I think in some cases it's very easy to do; in other cases it wouldn't be so easy. We'll look into it for sure. It's a reasonable request.

The Chair: Ms Roycroft, Ms Sharma and other members of the staff of the appointments secretariat, we appreciate your being here. I think it's been an interesting morning.

Ms Roycroft: Thank you, Mr Runciman. May I take one opportunity just to introduce some of the staff who came in after—because the committee members, probably more than most MPPs, do interact with our office. I wanted to introduce the others. Some people have gone. Rosemin Dhalla and Jackie Boros are here, in addition to some others who were here before. But these are in fact the staff, when you call for the current, updated list or information about vacancies, whom you'll likely end up dealing with. But at any point if you would like to deal directly with myself, Marilyn or Nancy, please don't hesitate to ask for us.

The Chair: Okay. Thanks very much.

Ms Roycroft: Thank you very much.

The Chair: Okay, we're going to break and reconvene at 2 o'clock to talk about the committee mandate.

The committee recessed at 1158.

AFTERNOON SITTING

The committee resumed at 1408.

COMMITTEE MANDATE

The Vice-Chair: We'll call the government agencies meeting to order and this afternoon we're dealing with the work of the committee. I'm sure I will have a fair bit of input, but if there are going to be any changes made to some of the rules of the committee, I think we should hear from the government side to see what they are proposing.

Mr Grandmaître: What you're really asking, Mr Chair, are no major changes.

The Vice-Chair: If they have no changes, there's not much point in us spending a whole lot of time talking about them if they are not interested.

Mr Grandmaître: Yes, you're right.

Mr Marchese: Actually, Mr Chair, I was interested in hearing the members to see whether they felt comfortable with the process and if they weren't, we were quite willing to listen to the discussion and see how to go. Personally, I think what we have been doing has been effective in terms of individual interviews and agency interviews. I don't know if others have suggestions on how to improve this process, but I would be happy to participate in that discussion.

Mr Grandmaître: Once again, I think the responsibilities of this committee should be to review agencies or to look after the appointments of the government. I think responsibilities should be divided, and I've mentioned this in the past, because we are simply not doing a good job as far as reviewing agencies is concerned.

When these added responsibilities were given to this committee, we weren't given any additional time. In fact, we had to fight for an extra week to review agencies. To be fair to the secretariat and to be fair to the government, I think our responsibilities should be split and it should be done as soon as possible.

The Vice-Chair: What you're saying is there should be one special committee to deal with appointments or interviews.

Mr Grandmaître: Absolutely, because you know, we're only reviewing—what's our monthly average? When the House in session, we don't review 20 people per month, right?

The Vice-Chair: That's right.

Mr Grandmaître: Maybe there are 100 or 150 appointments during that month. I think it's a disservice to the government and to this committee.

Mr Marchese: For clarification, because I was talking to Tannis briefly, were you suggesting that we have more time to interview individuals and agencies? Is that what you were saying?

Mr Grandmaître: No. I think the responsibilities of this committee should be split into two committees.

The Vice-Chair: Noble, can I have your views?

Mr Villeneuve: For comfort level, and I'm subbing today, I can appreciate the frustration that many of the members of this committee are experiencing, because basi-

cally you deal with appointments when they are a fait accompli. That is a very, very frustrating situation. The only opportunity that members of the committee have is to select who will be the individual to sit in this committee and be questioned.

The results under a majority government and under the structure of this committee, quite obviously, if it comes to a vote, are that the government wins. That's fair game. However, I would like to be able to see who else was considered for a particular appointment so that we would be able to possibly question someone who thought they might have qualified for a particular appointment to an agency, board or commission and was indeed overlooked for someone else. I think that would add some credibility, if you will, to this committee.

Mr Grandmaître: We should have a choice.

Mr Villeneuve: The only choice that the committee presently has is to select, after the appointments have effectively been made, who will come before the committee and be questioned. It's cut and dried. Certainly I, as a member of the Legislature, would like to see possibly the list of people who thought they qualified and indeed were overlooked.

The Vice-Chair: I think the point has got to be made very clear that all this committee will do is a review. We have nothing to do with regard to the appointments. It is totally just to review who already has been recommended.

Mr Villeneuve: I think many members of this committee, when it was first initiated, thought they would have considerably more input into the selection than indeed simply reviewing.

Mr Bradley: I did not start out with high expectations. I never thought that I would, as a member of this committee, have any influence of significance on the final outcomes. I think the limited role the committee can play under the rules that are there now and the rules that are likely to continue to apply to this committee is that we can at least question the people who are going to be appointed to agencies, boards and commissions.

It may be that as a result of some of the questioning somewhere along the line, if something comes out which is particularly detrimental, the government may reconsider that particular appointment. Members of the government caucus do speak to other members of the government. They may express some concern about the performance of a person or perhaps the background of a person, and in that light, the committee can have some influence.

I doubt that the government, realistically, is going to concede its right to appoint people and to have its appointments carry unless it sees fit differently. I think the government will continue to see this as only an advisory committee and not as a committee with teeth. Despite the fact that as a member of the committee, it would be advantageous to me, I doubt that the government is going to share the long list of people who are applying for agencies, boards and commissions, because it's going to believe it's within its purview as the government to make those

appointments. But, you know, if you don't go in with high expectations, I guess you can't have those hopes dashed.

I make the point, to the annoyance of my friends on the government side, I suppose, from time to time, that my concern is not so much with the process but with the way it is portrayed by the Premier as being significantly different. The process is a bit different. The outcome is significantly the same.

But I think all governments, as has been pointed out this morning, are under more public scrutiny today than ever before, so are going to tend to be, at least try to be, more cautious about most of the appointments that are made to the agencies, boards and commissions.

As for the suggestion of my friend from Ottawa East—is that called Vanier now, or still Ottawa East?

Mr Grandmaître: Ottawa East.

Mr Bradley: Ottawa East, provincially—there are advantages and disadvantages. The advantage of dealing strictly with appointments is that you have more time to deal with appointments, and I'm attracted to that. The only disadvantage I see is that you don't get the other half of the picture. That is, you don't get to see what these agencies, boards and commissions are all about.

If I were a House leader—and, you know, one of the dangers of being in this institution for so long, some would say too long, is that one tends to worry about the procedures as it relates to what the House leaders have to worry about. But the House leaders have to worry about staffing these committees with MPPs, and I know, as the deputy House leader in charge of question period, that I am involved in a pitched battle with my colleagues for at least an hour in the morning over who's going to get on question period and have to duck about the hallways so as not to be assaulted till noonhour at least.

The problem is that doesn't leave me a lot of time as an individual member of this committee to be in this committee. I know what it's like for House leaders to have to staff these committees, and it makes it difficult. All of us have other things to do than sit in committees, and then they roll the committee when there are fewer people in here. It's at the very least not enhanced.

We can make a recommendation, if we wish—the opposition members; the government members may not wish to—that we have that opportunity to view all the applicants' names and perhaps a short résumé on them. I would love to see that. I'm not optimistic that it will happen, nor, if I were all honest, can I say at this point that I would as a government necessarily agree with that. As an opposition person, I think it's a great idea.

Second, we could recommend that the role at least of the committee be enhanced to such an extent that if the committee does turn it down, it is turned down. The government still has the majority in the committee, and that's fine. There may be a distant member of the government or maybe all the members of the government sit there and say: "Look, we just are not going to like this particular appointment. This person's not going to do a good job."

If the people sitting on the committee aren't overly desirous of sitting on the cabinet table or don't have other

reasons to curry favour with the government House leader, the whip or the Premier, then the chances are that with people such as the member for Guelph, who doesn't worry about those things, we may see some of them turned down. So I think the concession the government could make would be to make the committee decision final.

Now, the danger they're going to get into, they're going to say, is, if they're in a minority position, what do they do, because then they can't control it, and I don't say control in an evil way in this case, but they may feel that virtually all their appointments could be in danger in a minority situation where there isn't some kind of agreement with at least one of the opposition parties. To be mischievous, because I had a person once tell me that in government our job is to make policy and opposition is to make trouble, the danger would be that, just to make trouble, the opposition could continue to turn down appointments and use it as a bargaining ploy to gain other concessions. I'm just trying to be fair enough to see what the government view might be on this.

The Vice-Chair: Well, we'll hear it now. Rosario, you're next.

Mr Bradley: The shuffle has been made, so Rosario can say what he wishes now.

Mr Marchese: Thank you for the power you have given me, Mr Chair. I knew it was always divine; I just needed it to be accorded.

1420

The Vice-Chair: Use it well; it won't last long.

Mr Marchese: First of all, on the split, I really don't think it would be useful to do that. I find that the two are very much complementary and that to split them would really make this whole committee process very boring. I frankly like the idea of reviewing agencies, and if I just had to review—

Mr Grandmaître: Do you think it's enjoyable now?

Mr Marchese: Frankly, I'm learning a great deal in reviewing different agencies and boards—

Mr Grandmaître: Agencies, yes.

Mr Marchese: —but also individuals, sometimes not as much. But I am learning quite a lot about things that I frankly did not know. But to split them would really, in my view, make it more difficult and be totally unnecessary. I think they're complementary and they should stay together.

I thought, if anything, we should give more time to do reviews, not only of individuals but of other agencies. That is something that I think we need more time for, but the split doesn't do it. Besides, you need more people to have another committee to do two different functions, and I don't know whether you could find the members to do that, or the interest for that matter.

In terms of wanting to see the list of people who have been overlooked, I'm not convinced that you necessarily want to do that. The reason I think you want to do that, Noble, is that you believe that a lot of Conservative members who have been putting their names forth may not be appointed.

Mr Villeneuve: No.

Mr Marchese: If I'm wrong, I'm willing to hear what you have to say about that. That's my assumption about why you want to see the list. But do all of you want to see these lists, to get to a point Jim also made? Jim said he welcomes the opportunity to review all of the names, with their résumés. That might be interesting, and frankly, if some of you were interested in doing that, I would be willing to pursue that.

I don't have an interest in doing that with all of those names. I just don't think I have the time or the complete interest to review that as part of what I do here in this job. But if you're interested in that, I'll pursue it, because if it makes you happy, that's great. But it certainly doesn't make me happy. There's so much to do here in this Legislature that that's not one of the things I want to spend time with. But I'll pursue that with the secretariat.

In terms of how else we can enhance this committee, again I'm not totally convinced of how that might work. One of the things I have observed is that many of you are very partisan when you have called somebody who happens to be an NDP sympathizer and that's where most of your anger seems to be drawn out. If you want more power, enhanced power to turn somebody down because of that, then I don't know whether there's usefulness in that, although I must say, from time to time there were members I have seen here with whom I wasn't too pleased. To be sure, we communicated that back to the people who recommended some of those individuals.

I can recall two in particular. More than that I'd have to struggle to remember, because on the whole, many of these people we have seen have been very good. But there were a few, and we communicated that back. But if there is some other way of enhancing the usefulness of this committee, if people don't feel it's effective, I'm willing to look at that. But I want to pursue your suggestion of reviewing the names if it's useful to you.

The Vice-Chair: Mr Drainville.

Mr Drainville: I want to speak, if I might, on the philosophical basis. I'm not part of this committee, but I have thought for a long time about the whole issue of appointments by government and how those appointments affect how policy is disseminated within the province.

It seems to me that there is a very important and healthy tension between the needs of the opposition to question, to probe and in a sense to debate the merits or demerits of a particular person going into a particular role on a board, agency or commission. That has to be there. There have to be tools for the opposition to be able to look and scrutinize carefully the kinds of appointments that are being made by the government of the day. I think to that extent we always need to be very open to providing those tools. And remember, there's a healthy tension here.

There's also the other side, and that is, a government has to govern. I am absolutely sure that it is important for any government when it's in power to ensure that if it's going to be making major appointments to various boards, agencies and commissions, the people who are appointed to those positions have to reflect in some way the philosophy, if you will, of the government of the day. It is only by

having that kind of situation that a government can effectively govern in the areas that those boards and commissions are going to be responsible for. So there's always going to be that tension.

My own feeling is that this committee should have more prominence than it has. I wouldn't want to go as far as the American system, because that has great deficiencies as well. But rather than having this as a standing committee, the way it's presently structured, there should certainly be some other kind of format. We're not very inventive or imaginative in this province when it comes to establishing committees of the Legislature. We have select committees and we have standing committees, and really you wonder what the difference is between the two when they're operating.

In fact there are many ways of looking at this, and we can look at many provinces. We can look at Quebec, for instance, that establishes one-person commissions and three-person commissions, each party being sometimes represented equally on those commissions. There are a whole lot of ways of going about it. I don't think we do ourselves or the province a service by perpetuating systems that basically need to be fixed. That will take me off on to the tangent of parliamentary reform, which I will not go towards, but I think it is a significant issue that has to be discussed.

What this all comes down to ultimately is that this is a very important committee. I can understand the frustration sometimes on the part of the members of the opposition when they feel that they are not given as much information as they need to make some of the decisions, and I think some of the information that's requested is very legitimate. On the other hand, I also am very aware of the needs of the government to ensure that its policy is disseminated and put forth in the province.

If there's going to be any kind of report from this committee, it should probably be recommendations that say we don't have to do it this way. Let's suggest a different format. Let's suggest a different way of doing this kind of thing. Maybe we need a smaller committee. Rather than having six members and five members, maybe it should be a smaller group of people reviewing these things. We should allow our imaginations to look at what all the possibilities are. With that, I end.

The Vice-Chair: Maybe I could have a clarification. You indicated that most of the appointees should have the philosophy of the administration. What about the people who are working for the civil service? Should they have to have that philosophy too?

Mr Drainville: I said, "Most of the major appointments." There are certainly many appointments in the province where it's not necessary in the least to have the government of the day have its philosophy maintained, and many of those are local boards of whatever kind. What you need are good-hearted citizens who have a commitment to the community and are willing to serve in whatever capacity.

For instance, when you're looking at the Social Assistance Review Board, you would want the chair to reflect

the basic tenets of the government in terms of how it operates; the Workers' Compensation Board, the Ontario Municipal Board, you would want people who both have the qualifications and are also somehow within the philosophy of the government.

That's not true of every case. This is not the case for those members of the civil service who by virtue of their experience and knowledge sit on various boards and agencies. They're not there to represent the government but rather to represent the interests and the education that they have, and their knowledge of that subject. So in that case, no, of course they would not represent the government's view.

The Vice-Chair: That's why appointments are supposed to represent the view of all the people too.

Mr Frankford: I've been on this committee since I got here, and I've found it a very interesting one. On the question of whether it should be divided between reviewing individuals and reviewing agencies, I feel very happy with what we have now. Sometimes I find I'm getting bored with what comes across in the individual review. Sometimes I can't see what is going to be gained, or the importance, from my perspective, can seem rather marginal.

With one or two of the agencies we reviewed, I felt the same and didn't feel I got a great deal out of perhaps the two that we did recently, which were rather brief reviews, but I think it all ties together.

1430

Perhaps, if I can say, the balance exists between the way that the two work together. For instance, we've looked at a lot of small and some large police board appointees. We've also looked at the Metropolitan Toronto Police Force as an agency. I think what I've learned in one type of review helps my understanding of the other, and I think it is very beneficial to be in this position and be exposed to both.

I don't believe we've really had any major difficulties with the character of anyone. I trust that's a reflection of the scrutiny that takes place. I recall that we have had one or two occasions when there have been questions clarifying whether people felt they were in a conflict situation, and we've heard how people have resolved their conflicts.

One that stands out in my mind was the Ontario Energy Board, where I think the woman was married to a lawyer who worked for a law firm which was potentially in some conflict. I think that was very useful for clarifying the situation in relation to spouses bringing potential conflicts. I think the fact of this review process must have forced them and the agency to work through what was appropriate.

Maybe there are things hidden away where we should take an aggressive US Senate-style approach, but I have not had any indication that that exists and I haven't heard that suggested from the opposition.

I think we should also acknowledge the accountability function. I assume the original purpose of this committee was that all boards and agencies were potentially reviewable and should conduct themselves in a manner that they might be reviewed and, in theory, sooner or later they

would be reviewed. I think that aspect is not stressed enough.

Another thing which I find very interesting around the individual reviews is that they give a chance to discuss policies or the approach that an agency might be taking. I think there are obviously times when there's a difference, maybe occasionally philosophically, but it can often just be in emphasis of what I, as an individual member, would like to see as opposed to what the government is looking for here.

I think this is a very useful opportunity, in a rather informal way, to bring that across, to raise some issues which one hopes the appointees will take back when they're actually involved on the appropriate board or agency.

The Vice-Chair: I think we've had a pretty good discussion from each party with regard to some of the problems we've seen and some of the ways that perhaps it could be changed. I'm wondering if the proper avenue to take would not be that each caucus bring something in writing, some specific proposals for the committee to deal with. We can continue to go around and talk with regard to what we would like to see, but maybe we should have it in writing.

Mr Villeneuve: Just a short reply to my colleague the member for Fort York. I had occasion to be subbing on this committee on another occasion, and the individual who was being questioned was going to sit on a board of which he had absolutely no knowledge at all. I became convinced, through the interrogation process, that probably the only reason that individual was here was because there was pretty heavy involvement in the union movement. The question did come up, would this individual be in favour of having a profession which is presently not allowed to strike because it's an essential service? The answer was, "I think that would be a good idea." That's of concern to me, and we're talking of the nursing profession.

I would have liked to have seen who was overlooked, because this person was appointed and then was reviewed and interrogated in this committee. That's one of the reasons, and I wouldn't say maybe in every case but in certain cases. That was one example I saw as I sat here as a substitute for someone else. The individual had no knowledge at all of the board on which that person was going to be sitting and making some pretty important decisions. In that light I would have liked to have seen if there was a short list of people who did not have the opportunity. That's one of the reasons. I think, Mr Chair, your suggestion of—

Mr Marchese: Noble, there's a question before you go on. Are you suggesting you do that in every case? In some cases? When do you determine that?

Mr Villeneuve: No, the rather obvious case that I thought of here was that this individual knew absolutely nothing and came from a totally different walk of life. Maybe that was done intentionally; I don't know.

Mr Marchese: In that respect, when a member observes that this is a problem you would say, "I would request to see what other names were overlooked, because

this did not seem to be the ideal candidate." So in that instance you might request that?

Mr Villeneuve: I would like this committee to have the opportunity of doing that.

Mr Grandmaître: But the fact is that we cannot stand down a name, because after 30 days that person is automatically appointed. We can't stand down a name because automatically he's appointed. This is not my turn to speak, so I'll wait.

The Vice-Chair: No, I think Noble was finished. But this is strictly a review. Yes, it's your turn now.

Mr Grandmaître: Oh, my turn? Following on what Noble was saying and what you were saying previously, Mr Chair, that each caucus should write its own report, you will recall that some months ago, in the days of Miss Phillips, we did table a dissenting report and were told in no uncertain way: "No way. We will not change the formula. This is it. We will have to live with it." Maybe some members will tell me, "Well, that was then, this is now. Maybe we could use a different approach," but our approach hasn't changed. We were told that no, they're not willing to change the workings of—

Mr Marchese: Who told you that, Bernard, if you don't mind?

Mr Grandmaître: You will recall that when Miss Phillips appeared before this committee some months ago the Tories and the Liberals wrote a dissenting report. We couldn't agree on the final report. Do you recall this?

Mr Marchese: I don't recall what was recommended.

Mr Grandmaître: Changes. It was a minority report.

Mr Marchese: Can you remind us of some of those changes?

The Vice-Chair: Our legislative researcher will clear this up for us.

Mr David Pond: Actually, Nancy Pearson's here. She probably can answer this as well as I. The original version of the standing order which empowers this committee to review appointments and went into effect in December 1990 required the committee to review the standing order and issue a report with its comments on the standing order in the summer of 1991. That's the report Mr Grandmaître's referring to. Essentially, the committee split. The government had one point of view, the opposition had another point of view and, as a result of the report, the standing order was tinkered with slightly. Some of the procedural aspects of it were tightened up, but the substance of it hasn't changed since December 1990.

Mr Grandmaître: Meaning that the government is not willing to make any changes.

The Vice-Chair: They're not aware of that report?

Mr Grandmaître: They're not aware of that report. But I'm not trying to be unfair to Rosario. I don't think you were on this committee at that time.

Mr Marchese: I think I was.

Mr Grandmaître: You were?

The Vice-Chair: I think you were minister.

Mr Marchese: I wasn't? That was before.

The Vice-Chair: You were way up—

Mr Marchese: In 1991? Oh, of course.

Mr Villeneuve: Seems like ages ago.

Mr Grandmaître: Anyway, we did try and it didn't work. So why should we write another report saying the same thing?

Mr Bradley: Maybe they've changed their minds.

The Vice-Chair: What do you think? Each one should bring in something that we could maybe change, caucus it and look at another point of view?

Mr Marchese: I think I'd like to review this with some of our own committee and talk to the secretariat as well, because a number of suggestions came forth that we could look at if they facilitate the work of the committee. If it makes people feel they're having more of a say in some instances, we should do that, and before we do that, perhaps it would be useful for the next meeting to bring suggestions about ways to change it and then to give us an opportunity to review that. We could do that and every other group can do the same.

The Vice-Chair: You'll probably find some of them in this morning's Hansard too.

Mr Marchese: Okay, yes, we could look at that.

Mr Grandmaître: We can always table our old report.

Mr Marchese: That's what the Chairman was—

Mr Bradley: We believe in recycling in our party.

Mr Marchese: If the other members would like to present something different or new for the next meeting, that would be useful. Then we could look at it.

The Vice-Chair: And you will talk to the secretariat and try and figure out some way.

Mr Marchese: We'll review what had been suggested in 1991, to see what we can do with those.

The Vice-Chair: Great. This committee's adjourned until February 16.

The committee adjourned at 1441.

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- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- ***Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
 - Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
 - Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaître, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
 - Stockwell, Chris (Etobicoke West/-Ouest PC)
 - Waters, Daniel (Muskoka-Georgian Bay ND)
- *Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present/ Membres remplaçants présents:

Drainville, Dennis (Victoria-Haliburton ND) for Ms Carter
Duignan, Noel (Halton North ND) for Mr Waters
Fletcher, Derek (Guelph ND) for Mr Ferguson
Rizzo, Tony (Oakwood ND) for Mr Waters
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr Stockwell

Clerk pro tem / Greffière par intérim: Manikel, Tannis

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intercession, 35th Parliament

Official Report of Debates (Hansard)

Tuesday 16 February 1993

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Mardi 16 février 1993

Comité permanent des organismes gouvernementaux

Révision des nominations

Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor

Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron



Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 16 February 1993

The committee met at 1009 in committee room 2.

APPOINTMENTS REVIEW

Consideration of intended appointments.

The Chair (Mr Robert W. Runciman): We'll call the meeting to order. I'm going to change the agenda slightly because of the problems Mr Rabot is having in getting here from Ottawa. Hopefully he's going to be here at some point later this morning.

CICELY McWILLIAM

The Chair: Cicely McWilliam is here ahead of schedule, and we appreciate that. Ms McWilliam is intended appointee as a member of the Ontario Film Review Board. Would you like to say anything before we ask questions?

Ms Cicely McWilliam: No, just good morning, everyone. I'm glad we all made it through the snow all right and thank you for having me.

The Chair: Okay. We'll ask Mr Grandmaître to begin the questioning.

Mr Bernard Grandmaître (Ottawa East): Just a few days ago, maybe 10 days ago, we had the Ontario Law Reform Commission before us. They were telling us that you people shouldn't be the people responsible for, let's say, the review of films on pornography, most of it. They were saying that you people are not qualified. What are your thoughts on that kind of statement?

Ms McWilliam: Although I certainly respect and have not been with the board before and obviously can't say what the quality or the qualifications of other board members are, I think that explicit sexual material—I don't know if there is an expert on that. I think it is about what the community feels is appropriate and not appropriate. Certainly, the supreme courts of both Canada and the United States have had varying and shifting and changing views on what is and what is not pornography, and I think finally it has to be something that comes from the community.

If the board is representative of the community, if there is an attempt to ensure a representative board, then I see no reason why the board couldn't maintain its current status of reviewing those types of films. But I have not read what the commission has stated. I don't know who they feel is better qualified and that might change my opinions once I've read that document.

Mr Grandmaître: What are your thoughts? Give us your definition of "pornography."

Ms McWilliam: I think that pornography is kind of like bad art. You know it when you see it. It's very difficult to say. It's a matter of context. Once *Lady Chatterley's Lover* was definitely pornographic; now it's literature. It's very difficult to sort of say this act plus this act in this

scene is definitely pornographic. There's a context and there's a desire to determine—there's an intent on the part of the creators, I think, which has to come into play. So I couldn't give you a blanket statement on what I think pornography is. As I said, it's like bad art. You know what you don't like, or you know it when you see it.

Mr Grandmaître: I realize it is difficult, very difficult. What would you like the Ontario Film Review Board to do in such cases? What are your thoughts? Will you be bringing something new to the review board?

Ms McWilliam: I hope so; I certainly hope so. I think I offer an interesting perspective in that as far as I know anyway, I would be the first openly lesbian on the board. I have a perspective from both the women's community—I am very aware of the pro-censorship side of the women's community and I'm also very aware of the anti-censorship side of both the women's community and the gay male community.

I must say that personally I find censorship has not been as effective a tool as its proponents would like to believe. I think education is often a far better tool, primarily because women and the lesbian-gay community have been negatively affected by censorship in the past where legitimate expressions of our happiness, our sexuality and our voices, both political and sexual, have been censored. So I'm a little leery of censorship as a broad-stroke kind of measure or tool. I'm much more comfortable using the board as an educational tool.

Mr Grandmaître: Is this the first time the lesbian group or gay group will be represented on the board, to your knowledge?

Ms McWilliam: No. There is gay male representation on the board, but as far as I know at this stage, there aren't openly lesbian members on the board that I'm aware of.

Mr Grandmaître: Give me an example of the kind of discrimination you're talking about against gays and lesbians as far as the review board is concerned.

Ms McWilliam: I'm not implying that there is direct discrimination in relation to the review board. What I'm saying is that I offer a perspective on past discrimination and past censoring of voice that the lesbian and gay community is sensitive to. So I'm not for a moment saying that I think the board has discriminatory practices at the moment.

Mr Grandmaître: Did you apply for this appointment or were you asked to sit on the board?

Ms McWilliam: Actually, I was made aware of openings and I applied.

Mr Grandmaître: You applied?

Ms McWilliam: Yes.

Mr Grandmaître: Specifically to the Ontario Film Review Board?

Ms McWilliam: Specifically to the Ontario Film Review Board.

Mr Grandmaître: If you did apply specifically to the Ontario Film Review Board, you must have a good idea of what these people are doing and the new things this board should be doing. You must know something about the review board if you applied.

Ms McWilliam: Well—

Mr Grandmaître: You don't apply for a job if you don't. What qualifies you?

Mr Derek Fletcher (Guelph): Look what happened to me.

Mr Grandmaître: That's another problem.

Ms McWilliam: In all seriousness, Mr Grandmaître, I don't think I was implying that I was unaware of the work of the film board. I was saying that because I have not been privy to, have not been part of the process, I may not be aware of what the film board does procedurally. I'm aware of its current mandate which is to reflect a community and to provide classification of films, and in some circumstances to act as censor. I am aware of that mandate, I'm comfortable with that mandate and I'm looking forward to, or willing to participate in it.

My comment was that I was unaware of any discriminatory practices within the board at present and I'm not implying that there are. That was all I was saying, and I am perfectly comfortable in saying that I am unaware how the board functions procedurally because I have not been on the board. That's all.

Mr Grandmaître: Do you have an artistic background?

Ms McWilliam: I've had some film background admittedly, but my primary involvement in terms of work and what I've done recently has been with the lesbian and gay community. I have not worked directly in an artistic field in, well, two years now, I guess maybe three years.

Mr Grandmaître: Are you telling me that your group is supportive of you to sit on this board because they don't feel they're getting a fair shake from the review board?

Ms McWilliam: There was no process to either elect or nominate me from the community—

Mr Grandmaître: No, I'm not saying elect, but favoured you or—

Ms McWilliam: No, I'm not claiming to be a representative for the community, merely representative of the community, being that I'm a lesbian and a feminist.

Mr John C. Cleary (Cornwall): I see here that you're an administrative director. Will this appointment help you and assist you in your job? My second question: I'd like to know a little bit more about who you work for. Is there any provincial funding?

Ms McWilliam: No.

Mr Cleary: It's all raised through corporate—

Ms McWilliam: The Lesbian and Gay Community Appeal of Toronto is a broad-based, fund-raising and funding body and what we do, what the appeal does is it goes to the community and it goes to corporations requesting

funds which it then, in turn, turns over to community projects and community groups. I do not see any crossover between the potential job at the film board and my job at the appeal. They're very separate. There would be no crossover interests or conflicts.

Mr Cleary: I see that you're Toronto-based. Do the same organizations apply in other parts of Ontario too, or is this mostly Toronto?

Ms McWilliam: It's primarily a Toronto organization. We have had requests for funding outside Toronto, but primarily we're a small funding body and we mainly get our requests inside the Metro Toronto area.

Mr Allan K. McLean (Simcoe East): Good morning. I see you've made three eight- to 10-minute films. What were they of?

Ms McWilliam: They were just student films. There was one about women's spirituality, one about women's health concerns and AIDS, and the third one was about drug addiction.

1020

Mr McLean: Do you see the jurisdictional conflict between the board and the police as a problem or do you know that there's been a conflict there?

Ms McWilliam: I am aware that there has been mention of a conflict in the past. Essentially, it really depends on a couple of things. Primarily, the board is not an enforcement body; it recommends policy and classifies films. In the final analysis, the police will have the discretionary power to go in and seize film. However, one of the things that concerns me in terms of police involvement and film seizure is that the police are not representative, generally speaking. I think it's recognized by numerous sources that they do not represent the community by and large. It's primarily a white organization; it's primarily a male organization. There are not as many out lesbian and gay people as I would like to see on the police force, certainly. So they're not a representative body.

My assumption is that the board and its members are representative and that it would be able to set perhaps community standards a little bit better, in my mind. But at the same time, as I said, in the final analysis, the board will continue to classify films and the police will continue to have the discretionary power to seize them if they perceive them to be unacceptable.

Mr McLean: Have you ever had the opportunity to sit in at the film review board to view films?

Ms McWilliam: Unfortunately, not yet, no.

Mr McLean: You'll find that quite an experience. I have, and it's certainly an eye-opener.

Do you have some questions?

Mr Gary Carr (Oakville South): Yes. Welcome and thank you for coming in. You mentioned that you were made aware of the position. Who made you aware of it?

Ms McWilliam: Of which? I'm sorry.

Mr Carr: You said you were made aware of the position.

Ms McWilliam: Keith Hambly, who's the vice-chair.

Mr Carr: What is your political affiliation? Are you affiliated with the NDP at all?

Ms McWilliam: Actually, in some ways that question bothers me. It sort of rings a lot of memories of other kinds of committees. But, actually, I'm a Liberal; my party membership at least at the moment.

Mr Carr: Oh, good. One last question: How do you see yourself? I know you're only one member, but where will we see the board after you're on it? Do you see more or less censorship than we have now?

Ms McWilliam: That's an interesting question. In terms of where I stand, first of all, I'm very much concerned about violence, much more than sex. So if in fact my experience on the board shows me that the level of violence is such that I was not prepared for, if I'm surprised by it, I'd be much more likely personally to censor something that was violent than something that was sexual.

Mr Carr: Good, okay. Thank you very much, and good luck.

Mr McLean: I have a follow-up on that. I think that's what you'll find, that there will be more violence and blood. I've seen some of them there. I didn't see many that were sexual, but you will see lots of violent things, and I hope you curtail some of it.

The Chair: Mr Fletcher and then Mr Marchese.

Mr Fletcher: As far as the film board is concerned, do you think it should have the power of censorship? Right now it has that power.

Ms McWilliam: Yes, right now they have that power. As I said, I don't necessarily see it as the most effective tool, I must admit, primarily because a lot of the harshest violent and sexually explicit material is illegal and never gets seen by the film board; it gets put through the network very surreptitiously. But I think that the board has the potential to really be a very effective body for education, because in the final analysis, if we're talking about adults being unable to see things, I have a very hard time saying that we should be censoring what adults see.

The concern, I think, for most people is centred on children. At the same time, parents have the responsibility to be active in parenting, but they need the tools to do that appropriately or properly. I think that if the board has an expanded role in terms of being able to explain to people what the classifications mean, maybe to have reviews available for public consumption or review, which will give parents a better understanding of what they mean by "may offend some" in relation to this particular film or what they mean by "violence," what the scale is, then parents can make that decision whether or not to go see it with their kids or to deny access to this film to their kids.

If we're really concerned, we should really be concerned about kids, as opposed to adults. If that's the case, then we have to work with parents to provide them the tools to properly parent.

Mr Fletcher: Yes. I have some concerns about censorship, but I also have some concerns about what goes on, what people have access to, and that's the dichotomy. What do you think about censorship?

Ms McWilliam: As I said, I don't find it as—

Mr Fletcher: Only in violent things.

Ms McWilliam: Yes, only in violent things. That's different. But again, it's about context, right? For example, you have a violent rape—

Mr Fletcher: What about the emotional treatment of women that may not be direct violence but is degrading? I can have some qualms about that, but it isn't, you know—lifestyle or whatever, that sort of thing.

Ms McWilliam: The thing about the situation for women is it's very complex. There are a lot of insidious, sexist things that are seen through advertising, through television, through fairy tales that give a very bad message to children and to young women. Again, if you use censorship as a broad-stroke tool, you're not going to get the messages that are really affecting children at a very young age.

I had a very interesting discussion with a woman about Disney. Now I love Disney and I would never want to censor Disney, but she brought up some excellent points, things like darker-skinned Arabs in the new Aladdin film are the evil ones whereas the lighter-skinned Arabs are the good guys. I mean, all those are very insidious things. It's all very subliminal, and if we're going to tackle and really make a better world for people of colour, for women, for gays and lesbians, we can't use broad-stroke kinds of tools. We must look at fine-tuning.

Mr Fletcher: Okay. This fine-tuning, should it be in the hands of the OFRB, or should it be in the hands of someone else?

Ms McWilliam: It should be a joint effort with, I think, the board, education, parents and filmmakers. It has to be across the board, is my point. It can't be a slash-and-burn on the part of the board.

Mr Fletcher: Thanks, Cicely.

The Chair: Mr Marchese.

Mr Rosario Marchese (Fort York): Cicely, how do we reconcile some of those sometimes irreconcilable differences between individuals and communities, the individual perspective and the community perspective, which might vary; the perspective of the police, which some would argue reflects the community and some would argue does not reflect the community very well? How do we reconcile the civil libertarians' view of the world in terms of some of the concerns they raise about what should be censored and what should not? How do you deal with those conflicts?

Ms McWilliam: Hopefully, you deal with it as a board as a whole. Certainly, when you have a representative board, you will have not only a representative board in terms of colour, in terms of race, in terms of sexuality, in terms of gender, but you also have a representative board in terms of ideology. No one person on the board can reconcile those issues, certainly not in all cases. So in the end it will be the responsibility of the board as a whole to work together to reconcile those issues.

Mr Marchese: I could see in the beginning, of course, having many, many conflicts. I've been in different situations

where, because you have different people of different backgrounds, socioeconomic status even and ideology, in the beginning you would have a great deal of irreconcilable differences. I suppose after a great deal of time in working things out, it might work out, but I can see that there would be very little agreement in the beginning, don't you think?

Ms McWilliam: That hasn't been my experience. Maybe that is the experience of partisan politics, but when you're talking about community groups working together, I haven't had that experience. I have oftentimes had the opposite, that it takes a relatively short time, especially if people are going into a situation where they're willing to discuss differences but listen to other people as well. I would think the responsibility of the chair and the vice-chair is to ensure that people are open to listening to differences.

Mr Marchese: Right. What you describe sounds very much like what we do here in this committee. We're also friendly and break down barriers and political ideologies. You should watch this committee at work.

Mr James J. Bradley (St Catharines): He hasn't lost his sense of humour.

Mr Marchese: Cicely, what's your view of the availability of slasher films?

Ms McWilliam: I have a very hard time with slasher films, it's true. I think that artistically, they lack any artistic merit whatsoever. So I have a problem with them and I have a problem with that kind of violence against women. I would be much more likely to censor something like that, because I do find they are so devoid of merit.

I use this as an example to try to show you why I look at things in terms of context. There can be a very violent rape scene in a pornographic film and then there can be the rape scene in *The Accused*, which is equally graphic and equally violent, but the difference in the two films is obvious when you see them as a whole. For me to just come up and say, "I would cut out every single violent rape scene I ever see," is ridiculous. I simply can't do that. But I can certainly say that I recognize the difference.

Mr Marchese: Given the comment that there is no artistic value to them, I was about to ask you how you were going to match that view with the view of context, but you answered it by saying you've got to see it in context to be able to determine.

Ms McWilliam: Exactly. I can say in general that I find that side of filmmaking has little to no artistic merit, but there may be that one film, who knows.

Mr Marchese: Are you aware of the current human rights case in which two women charged that the Ontario Film Review Board has discriminated against them by permitting the distribution of slasher films?

Ms McWilliam: Yes. I am aware of it.

Mr Marchese: What is your view of that?

Ms McWilliam: Actually, because I was concerned about that, I spoke with Keith Hambly, who is a vice-chair and who told me about the positions. They have started to look at this material. I don't think I'm telling tales out of school to say that they don't think they saw most of these

films, because a lot of these films are older films that came out prior to the film review board taking on videos, or films that go directly to videos, in terms of those films being under their purview.

I certainly respect what the women are doing. I think it's important that if you have strong feelings about something, you make those feelings known to the board, whether you do it this way, through the human rights commission, whether you do it through coming on the board or whatever mechanism you choose to use. It's important that the message about the concern gets out. But I don't know how accurate their claim is and I certainly couldn't say either way until I saw the material.

Mr Marchese: Cicely, I wish you luck on the board.

Ms McWilliam: Thank you.

The Chair: Ms McWilliam, that concludes your appearance this morning. We appreciate you coming through the snowstorm and wish you well.

Our next witness hasn't arrived, members. I'm going to take a chance and suggest we break until 11, and hopefully you'll all be back here so that we at least have a quorum and can get going again at 11 o'clock.

Mr Bradley: Do we have to leave?

The Chair: I'm leaving. You can stay if you wish. We'll adjourn until 11 o'clock.

The committee recessed at 1034 and resumed at 1102.

LISA STEELE

The Chair: I'm going to call the meeting back to order. We have a witness scheduled for 11 am, Lisa Steele. I'm advised that Mr Rabot has now arrived, but I think we'll go ahead with the schedule. Is that going to create a problem for Mr Rabot? All right. I think we'll have Ms Steele, since she was scheduled for this time slot. Come forward, please. Welcome to the committee. Ms Steele is an intended appointee as a member of the Art Gallery of Ontario board of trustees. It's a half-hour review. Would you like to say anything briefly before we commence the questions?

Ms Lisa Steele: No, I'm anxious to know what you want to know of me. Good morning.

The Chair: Okay, we'll ask Mr McLean to begin the questioning.

Mr McLean: I will start the questioning. I've reviewed your résumé and I see that you've been involved in the arts for many, many years.

Ms Steele: Yes, I have.

Mr McLean: Are you a Canadian citizen?

Ms Steele: Yes, I am.

Mr McLean: You came from Arizona or somewhere?

Ms Steele: Not quite that far—Missouri.

Mr McLean: I have followed the arts very closely. The membership has gone down—

Ms Steele: At the Art Gallery of Ontario.

Mr McLean: —and the expenditures and the grants from the government have gone up.

Ms Steele: Specifically at the institution, the Art Gallery of Ontario, yes.

Mr McLean: That's right. What do you find wrong with that?

Ms Steele: I think the Art Gallery of Ontario has had a series of problems that may relate to its public face. Not having been involved with some of the decisions, I'm not sure why the particular kind of membership and attendance might go down. I wasn't aware that the attendance had gone down in a dramatic way. Could you acquaint me with the figures? I just wasn't aware of it.

Mr McLean: Yes, the attendance has gone down from 450,000 in 1988-89 to 279,000 in 1991-92. The operating grants have gone from \$7.8 million in 1989-90 to \$9.5 million in 1992-93. I see there's a task force recommending that the increase in private funding go from 20% to 40%. What would your opinion on that be?

Ms Steele: Of the corporate fund-raising that the task force was recommending?

Mr McLean: Yes. Do you think that goal can be met?

Ms Steele: I think it's an ambitious goal and I understand why the task force made the recommendation, understanding that there are not necessarily increasing amounts of government funding available. I think there need to be innovative programs that would be developed to do that kind of fund-raising, with the kind of board members that, theoretically, the Art Gallery of Ontario should be able to attract: high-profile members of the community who are interested in the arts. I think if we had people out there in the boardrooms of corporate Canada speaking on behalf of the arts in a way that would put forward a credible case—and I think the art gallery's artistic record is not a poor record; it's a very good record—it's possibly attainable. I can also understand why the task force recommended this. It may be that it will take a number of years to reach that goal, but I think it should be looked at as a possibility.

Mr McLean: The task force also recommends that they "should develop a visual arts policy for the province which promotes increasing self-sufficiency of community galleries, and that the role of the AGO should be redefined as a part of the new visual arts policy." Given that your background is in visual arts, what should Ontario's visual arts policy be, or look like, in your opinion?

Ms Steele: I think it would be one that would take into account the variety of people who live throughout the province, in the north and communities outside of Metropolitan Toronto. I think some of the criticism that was levelled at the Art Gallery of Ontario during the review process had to do with what is referred to as the Torontocentric position that the Art Gallery of Ontario has assumed at times. I think that's part of a visual arts policy that needs to take into account exchanges also with other galleries.

One thing that I think the Art Gallery of Ontario is interested in, that would be important in my view and in

the view of a number of people who come from my community, would be an exchange process: not just a going out from the centre to the "regions," but bringing work and artists from different parts of the province into Toronto, into the Art Gallery of Ontario for exhibition to the public at large.

Mr McLean: Back in August, a Toronto Star article quoted Garry Conway from an advocacy group for visual artists as stating: "The AGO richly deserves its fate"—and that was the closing—"because it doesn't adequately support young Canadian artists." What are your comments on that?

Ms Steele: I know why he said that, and I think that as a representative of Canadian Artists' Representation Ontario, which is the Ontario arm of a national organization, CARFAC, he must look at the overall picture. I feel the AGO deserves to be supported by the province, by the forms of government that put support into it. I also think the AGO needs to be more aware of representing the works of contemporary Canadian artists, who include younger artists, but not simply restricted to younger artists. It needs to expand its exhibition policy to a certain extent, although I also think that the curators are to some degree doing a good job there and have kept the institution alive.

Mr McLean: Just on another little subject, I'd like your opinion. There's a large lot over here on the corner of Wellesley and Bay owned by the province. What should happen with that parcel of land?

Ms Steele: This is the former site of the Ballet Opera House?

Mr Marchese: Housing.

Mr McLean: I want her opinion, not yours.

Ms Steele: One of the most interesting proposals I heard during the Ballet Opera House revival of what might or might not happen with it was that someone was suggesting that Maple Leaf Gardens might become the new Ballet Opera House, which I think would be more appropriate. In terms of what happens to that parcel of land, I'm way over my head. I don't know.

Mr McLean: Maple Leaf Gardens might be—

Ms Steele: Might be the new Ballet Opera House.

Mr McLean: That might be all right too. Any more time, Mr Chair?

The Chair: Another three minutes.

Mr McLean: Would you have any questions, Mr Carr?

Mr Carr: A quick one if I could. I apologize if you've already had this question; I missed the brief opening. Sometimes when you walk the halls, you get stopped by various people.

The attendance figures, which have gone down steadily, are the big concern. I just wondered what your thoughts were about how we can improve it. I know it's an important question—

Interjection.

Mr Carr: Al said it was the same, so I just wondered.

1110

Ms Steele: I think I was asked a slightly different question in correlation with money. In terms of improving attendance figures at the Art Gallery of Ontario, I think all public institutions face this. It depends on outreach, on making work relevant to communities of living people who are in proximity, as well as a part of tourism. I think all of those things relate to having a strong policy for outreach and creating a kind of profile for the organization and for the institution.

I was waiting with some apprehension before the opening of the new facility, a very beautiful facility which is very, very well done—the exhibition areas are very well done. I think the gallery has begun a new start with that physical facility. The old facility was not a good facility for the public, for a variety of reasons. As an artist, it was not a good facility for contemporary art, nor were the collections able to be displayed in a way which showed the depth of the collection. That may be very technical and may not make much difference to you, but as an artist, it makes a lot of difference to me.

I also teach at the Ontario College of Art, and I have for about 12 years. One of the things we need to do is make sure that the art students at the secondary and post-secondary level have adequate access to the gallery for study purposes. This is done throughout Europe and in the United States, and it's extremely important. Once you make an audience member at a certain age, that audience member has a tendency to remain an audience participant, either directly as a member or as an occasional visitor.

I think those things are something that the Art Gallery of Ontario has on its agenda and that I would fully support. I think it's also quite possible to do that for museums, and large museums, which are not necessarily dinosaurs, which need to be controlled. I know spending has to be controlled and directions etc, but I also think it is an absolute necessity for the cultural life of the province.

Mr Carr: Good. Thank you.

Mr Fletcher: Just a couple of questions. You were talking about going to the boardrooms of corporate Canada. You don't have any qualms about going to du Maurier or Molson or Labatt's?

Ms Steele: I don't, but I am not a professional or a non-professional corporate fund-raiser. When I spoke about that, I would certainly participate in and feel that I would be a strong voice, and as a practising artist, I think I have a position to play there, but it is not a position of expertise. I would not be someone who is familiar with those areas, so I don't think I'm being asked to come on to the board of the Art Gallery of Ontario for my connections in corporate Canada.

Mr Fletcher: But if the AGO wished to go to the du Maurier foundation for money, you wouldn't have any problem with that?

Ms Steele: Oh, I know what you're talking about: because it's tobacco or alcohol.

Mr Fletcher: Tobacco or alcohol or anything else.

Ms Steele: Again, I would have to avail myself of previous decisions that might have been made or of current debates that might be going on. I don't have any moral position around the tobacco companies sponsoring things, and I know they have been large sponsors of the arts. I think it is an unfortunate situation that we are in if, in this country around the funding of the arts, we are forced to go to the disreputable corporations and we can't go to the reputable corporations that are supported throughout our communities to get support. This is something I know the performing arts have been struggling with very strongly. Wouldn't it be nice if IBM Canada supported big programs?

Mr Fletcher: IBM's having enough trouble supporting itself.

Ms Steele: Yes, indeed, but—

Mr Fletcher: I know what you mean.

Just one more question. The AGO, during the biggest recession we've been in, has gone through construction, or is going through construction, and has spent money left, right and centre. What's your position concerning the financial responsibilities of the people who are supposed to be directing what goes on, during a time of recession and cutbacks and still going out spending like drunken sailors?

Ms Steele: I don't share the term "going out and spending like drunken sailors," because I think it should be put in relationship with Olympia and York and corporations that have truly taken money out of the economy without putting anything back in. What the AGO has done was to attempt to keep the building open.

I do not support unbridled spending under any circumstances. I'm a part of the arts community where low levels of funding go into physical plant etc. At the same time, I think it is up to that institution to keep that building open and a vital part of the community. I think it should be put in proportion. The spending that has gone on—the AGO responded, and I think responded very directly, with job cuts. The entire province shared in job cuts.

The cultural sector is not immune from job cuts. Certainly, in a highly publicized move, after it was not successful in getting the money which, over a period of time, I would say, it had been led to believe it would get—the current government said, "No, we don't have the money to give you"—the AGO responded by cutting jobs, by cutting some of the programs, but not by doing things in a way that would jeopardize the future of the organization, because it's open again and the public has welcomed the AGO back into the community.

If there was overspending, you knew about it, as far as I know. It's not going on now, I will assume. I don't know, I'm not on the board, I haven't access to the books yet.

Mr Fletcher: I like that "yet." Thank you.

Mr Marchese: Welcome to this committee today. A few questions, because I think I only have five minutes. How much do I have, Mr Chair, just to be sure?

The Chair: A little over five.

Mr Marchese: Lisa, what is your connection to the AGO, or at least what has been your connection to it in the past?

Ms Steele: I've been an audience member since I moved to Toronto in 1968. I've been an avid attendee. As an instructor at the Ontario College of Art, I frequently take my students to the Art Gallery of Ontario—I teach contemporary media arts, video art in particular, and also film performance art—and I frequently take them or assign them to go to the Art Gallery of Ontario.

My collaborative partner, Kim Tomczak, and I were the subject of a retrospective, a survey of our body of work, in 1989 and 1990, so we had our AGO show. We won't be having another one of those. My work is included in the permanent collection and has been collected there since 1975, which I believe is the first time it went into the collection. I was in the first exhibition of video arts that was done in Canada, which was done at the Art Gallery of Ontario.

Mr Marchese: You've really described the kind of community experience you've had over the years that obviously would be helpful to the AGO. Do you think those experiences are things the AGO needs?

Ms Steele: I think the AGO needs artists on the board. I am a senior artist and I'm recognized as such nationally within my field of expertise, which is video art. The Ministry of Culture and Communications appointed me to the arts service organization review committee which met for a year; two years ago, it met for a year. I have been on the visual arts advisory committee at the Canada Council for three years. I am the past president of the Independent Film and Video Alliance, which is a national bilingual organization that represents about 6,000 members across the country.

I feel I have very strong credentials for coming to the Art Gallery of Ontario from a particular part of the community, which is the practising artist, as I teach within a visual arts and design school, the Ontario College of Art, as well as having specific ties and relationship with the media arts, which is a growing and important field in contemporary arts internationally. The Art Gallery of Ontario has exhibited its commitment to the media arts. It has a special exhibition area for video art at this point in the new wing.

1120

Mr Marchese: A number of people have touched on the issue of funding by governments, or how the AGO fund-raises in order to maintain itself, or overspends, and so on. I know in France the minister of culture has a great deal of power and a great deal of credibility within the cabinet structure. In fact, in France they subsidize the arts quite a lot, unlike our experience here in Canada. What is your view of the role of governments, or for that matter the private sector, in terms of funding to the arts?

Ms Steele: I think it's a responsibility in the same way as the funding of education is. It performs partly an educational function. An organization such as the Art Gallery of Ontario is frequently the first and perhaps the most important contact young children have with the contemporary arts, which are frequently not within their own communities and which should be more in their own communities. This would be something I would hope the Art Gallery of

Ontario, in outreach programs, would assist in, and it has. They have had a very big program for a number of years called Artists and Their Work. They send out artists on request from organizations such as a small gallery in Thunder Bay. I have been to Thunder Bay, to Sudbury, to Windsor, to Hamilton, to just about every place with a small regional gallery in the two-year period I was part of Artists and Their Work, from 1976 to 1978.

It was by being assisted by the Art Gallery of Ontario that these places—I know personally how important it was to those institutions to actually have a contemporary artist there speaking to people in their communities. They would have high school students and also post-secondary students who would come in who are interested in the arts. We know we have young talented people out there in our province who want to meet an artist. It's kind of hard sometimes in Sudbury. It's good. As well, it's good for us to see work in other places, and we need to see more of it in Toronto.

Mr Marchese: I wish you luck on the board, Lisa.

Mr Bradley: I think you're being very presumptuous, Rosario.

Mr Marchese: Of course. I thought you would feel the same, Jim.

Mr Bradley: I guess you know how this committee works better than I.

My question relates first of all to—you've alluded to it a number of times throughout your responses. If I were to ask you why you are an intended appointee by the government, what would your response be? Why would they select you over other people?

Ms Steele: I believe they would select me for the old reason that if you want something done, you ask a busy person. I'm extremely busy. I have tremendous, massive commitments—and they're volunteer commitments—that I do and have done over a period of years. I have been on a board of directors since 1974, consistently, of one community-based organization or another.

When I was asked if I was interested in the Art Gallery of Ontario, I said yes. I have, since that time, gone off—I was treasurer of the board of the Nightingale Arts Council, which administers A Space Gallery. I have gone off the board of the Independent Film and Video Alliance, which I was on for a period of time, and I have shed my other commitments in anticipation of being able to put some worthwhile time into this. It's not a figurehead position, as far as I know. I've known two other people who have been on the board. They indicated to me that it was a serious commitment, which I have taken seriously.

I'm assuming that's why I was asked: because I have shown a willingness. Obviously, I don't think you get to be in positions on other boards of directors unless you have a certain respect within your own community, so I feel it's probably that also.

Mr Bradley: You are described in a biography or information provided on you, information we have, as an activist. Have you ever been politically active?

Ms Steele: Have I been politically active?

Mr Bradley: Yes.

Ms Steele: Would you define that?

Mr Bradley: Say, at a provincial or federal level.

Ms Steele: I've never joined a party. I'm not currently nor have I ever been a member of a political party. I haven't campaigned actively on behalf of anyone. I frequently attend meetings when there is an election to make sure that the candidates in my riding are acquainted with cultural issues. I feel it's my duty to do that and I always speak up in that sense. But I haven't been politically active at a provincial level or at a municipal level or at a federal level in an organized political party.

Mr Bradley: The reason I ask is that it gets to the question that's always a dilemma, I guess, in any country or any jurisdiction about what shall be shown at an art gallery. We have all read of certain people complaining that the last minister responsible was suggesting that what the art gallery was displaying was not necessarily appropriate. It always brings me to the concern about politically elected people, such as I, dictating what shall be in an art gallery. Do you have any specific comments or concerns about that?

Ms Steele: I would trust that you would not dictate, that neither you yourself or members of this committee would assume the position of dictating what is on a stage or in an art gallery, and I think you very much support the concept of arm's length, which is a funding principle that the arts councils as well as the institutions throughout the—we enjoy that in a democratic society, and I feel privileged, as a member of that society, to participate in it as an audience member and to know that I'm looking at something which may have received funding, but it doesn't mean that because you're in the government you've selected it and put it on stage. I'm being allowed to think for myself. I may not like it. I can write a letter to the editor. But I'm not being spoonfed directly from a political position, and I think that's very important.

In terms of if people are appointed to boards or elected to boards there may be different positions that come forward, I don't think I have ever been seen to be a mouthpiece for anyone. I speak up in general on behalf of younger artists because I'm a teacher, and I think that's important, emerging artists, and that may be people who are not chronologically young but whose work has not come forward yet because it hasn't come into the public eye.

I think in Ontario right now we're in a very unique position to have a large number of people whose life experiences are coming from other sources perhaps than a more narrow kind of European cultural root. We have a richness which I think is starting to be reflected. Certainly, museums internationally in North America are reflecting this kind of change: the Museum of Modern Art in New York, the museum of contemporary art in San Francisco. Our own galleries in this country, the National Gallery of Canada as well as the Canadian Museum of Civilization, have had huge shows of indigenous people's art recently—I'm sure if you're familiar with cultural activity you would have seen these—with large catalogues. These works are so im-

portant that I would look forward to something like this happening at the Art Gallery of Ontario. It wouldn't be a first in this country.

Mr Bradley: There has been a confrontation of sorts between those who operate the gallery and the government over funding, and some may draw the conclusion, accurately or inaccurately, that the funding would be forthcoming more readily if the people who run the art gallery were to follow the suggestions of the Minister of Culture and Communications, who said she did not believe that what was in the art gallery was representative of what was in Ontario. Is there a danger that when the funding agency holds the purse-strings, in fact it will be able to dictate to the board of directors and those who actually operate an art gallery, and do you consider that to be a danger?

Ms Steele: I would consider it to be a danger. I would also refer you to the independent task force report, which I'm sure you're familiar with. These are the kinds of things that are being said from a variety of different voices. It's not simply the former minister of culture that I think you're speaking about now.

Mr Bradley: Yes.

Ms Steele: It's not simply one voice speaking to the Art Gallery of Ontario. Once the review process started to happen at the AGO, a number of people came forward from different perspectives and felt that the AGO was perhaps somewhat out of touch or could be improved, and I think that's another way to look at it. If I wanted to go on to the board of directors of anything or to be involved in it, to put my time into it, it wouldn't be to destroy what is strong in it; it would be to build something that would make the organization, the institution, stronger.

I don't see the problem of the Art Gallery of Ontario toeing any line with any ministry. I don't think artistically or curatorially there's any history of that. I don't see it happening. I see there is a change going on across the province and I think the people, through consultation, have given a very strong viewpoint to the AGO, a series of viewpoints which are not one-dimensional, they're multi-dimensional; many voices were heard. I think it's a very challenging time, but I would say from what I read and what I see at the gallery that the gallery's ready to accept that challenge.

1130

Mr Bradley: Should any of the art work displayed have to pass the obscenity test of the Criminal Code of Canada?

Ms Steele: Have to pass the obscenity test? What is that?

Mr Bradley: Let's put it this way: We've had the film review board that we have dealt with this morning, and it classifies or actually censors films. They don't use the words "censor board" now because it's not in vogue to use the words "censor board," even though they do some censoring.

Ms Steele: Yes.

Mr Bradley: Is it your view that there should be no censorship of art which is displayed? In other words, the

only censorship for which there is a sanction is the Criminal Code of Canada, people displaying something that violates the Criminal Code of Canada. Should everything in an art gallery fit into that category, that it does violate the Criminal Code of Canada as it relates to obscenity?

Ms Steele: I believe you're asking me to interpret something which is both legal and judicial and I'm really not—I can give you an opinion, but I'm not prepared to say that either works should or should not pass the obscenity code. Is that what you—

Mr Bradley: The Criminal Code of Canada specifies what is obscene and what is not obscene.

Ms Steele: Yes.

Mr Bradley: The censor board has—

Ms Steele: But would the police come into the AGO and make that distinction?

Mr Bradley: The court finally determines, I guess.

Ms Steele: So would the works go before the court? Is that what you're suggesting?

Mr Bradley: Supposedly. I'm not suggesting it; I'm saying supposedly.

Ms Steele: Oh, I wouldn't agree with that, obviously. I mean that is quite clearly—

The Chair: We'll have to cut it off at that. Thank you. That concludes your appearance for this morning, Ms Steele, and we wish you well.

Ms Steele: Thank you.

PETER LEISS

The Chair: Our next witness is Peter Leiss. Mr Leiss, welcome to the committee.

Mr Peter Leiss: Good morning.

The Chair: Good morning. Mr Leiss is an intended appointee as a member of the Waste Reduction Advisory Committee. It's a half-hour review, Mr Leiss, as you've been witnessing. Do you have any brief comments you'd like to make before we get right into questions?

Mr Leiss: No, not really, other than I view it as an honour to be considered for appointment to the committee.

The Chair: All right, fine, thank you. Mr McLean, are you ready to start?

Mr McLean: Yes, I'm ready; sure. I've got lots of questions. Where do you live, sir?

Mr Leiss: I live in Mississauga, in the village of Erindale, directly across from a closed dump site.

Mr Bradley: Are you sure it's closed for ever?

Mr Leiss: It's a park now, so I hope it's closed.

Mr McLean: Did you apply for this position?

Mr Leiss: No, I was asked.

Mr McLean: Who asked you?

Mr Leiss: I don't actually recall. I believe it was Wendy Cook. I don't specifically recall who asked me.

Mr McLean: Is she from the Ministry of the Environment?

Mr Leiss: She's the chair of the Waste Reduction Advisory Committee.

Mr McLean: She's the chair of that.

Mr Leiss: Yes.

Mr McLean: How did you know her?

Mr Leiss: Through meetings and conferences on waste management issues.

Mr McLean: Waste Reduction Advisory Committee: How are you going to reduce the waste? Can I have that, in your opinion, in a minute or two?

Mr Fletcher: Get rid of the politicians.

Mr McLean: You can speak for yourself.

Mr Leiss: There is a myriad of methods of waste reduction. Reducing the amount of waste that's produced initially, that's pre-consumer, would be the first step. Reuse of materials, items in the waste stream, and recycling would be the third R. The other diversion activities would involve waste that's compostable.

Mr McLean: Packaging. I remember Ruth Grier when she was in opposition talking about packaging: "We've got to reduce packaging. It's one of our major polluters." One of the members here brought in a resolution in the last sitting of the Legislature with regard to reduction. It never mentioned packaging. I'm wondering why packaging has not become a major issue.

Mr Leiss: I believe that packaging is a major issue. The issue has been dealt with in other jurisdictions quite effectively through the efforts of people, in a sense, and I see this as a major cause for the crisis that we're currently facing in waste management.

Mr McLean: But the question bears answering and being asked again. I don't see anything that we're doing to make industry stop packaging the amount that it is. I bought a rain gauge; there was more packaging to a rain gauge that could have hung on a shelf. I bought a flashlight that was in a package. If it had had a string on it, you could have hung it in the hardware store. I don't see anybody doing anything with regard to packaging. There's no legislation being brought through to reduce the packaging. But you say it is being done.

Mr Leiss: That's quite true. What I am saying is in other jurisdictions the reduction of packaging has been accomplished through the efforts of the public; Germany, for example, where the public in one city took it upon themselves just simply to leave the packaging in the store. As a result, the manufacturers reduced the amount of packaging. That's one method of dealing with it.

In Canada so far the packaging protocol has been primarily a voluntary effort, although the effort doesn't seem to be achieving too many results.

Mr McLean: What recommendations are you going to make to the government with regard to packaging? I know a 38-acre site in Germany and I've seen films of it. They have it in the Ministry of the Environment. I've sat in on it. I've seen the 38 acres where all the garbage comes in and it's disposed of on that 38-acre site. We haven't begun to touch it here. What recommendations are you going to make as part of that committee, would you hope to make as the appointee?

Mr Leiss: I'd hope that there would be recommendations going back to the ministry to compel manufacturers to ship in reusable containers, to ship on reusable pallets to reduce the amount of packaging that's currently going from the manufacturer to the retail level. I guess, for example, many items are packaged in a shrink wrap and then a number of items placed in a box, which would be a case, and then those cases placed in a larger box, then a pallet and then have Saran Wrap wrapped around them. I don't see that as necessary. This is the packaging that the consumer never sees.

Mr McLean: What recommendations are you going to make to the minister with regard to reduction of packaging?

Mr Leiss: That the province pursue the federal government to reduce packaging overall in Canada, and if that's not on, that the province legislate that packaging be reduced to the minimum absolute requirement; that packaging be reusable in stores, similar to the way CDs are packaged in many stores now, where there's a large package to prevent theft and that package is reused to display the next CD; and barring that, that the packaging be very easily recyclable and readily identified as recyclable.

1140

Mr McLean: Yes. The reason I was pursuing that was because I'm very adamant that somebody has got to reduce packaging, and nobody has been doing it. I hope your views that you have expressed here today are an indication that you will pursue that, because I think it's very, very important. Do you have a couple of questions?

Mr Carr: Yes, just a quick one. As you know, being adviser to politicians can be very frustrating, and I say that in a non-partisan sense, not taking a shot at this government. But a lot of the good advice that comes through—and Mr McLean talked about a couple of things—never gets implemented.

I was just wondering how you see yourself in terms of sometimes handling the frustration that may come about from putting a good idea forward but not having it implemented. Again, I don't say that in a partisan sense. It's just that the system sometimes doesn't allow for it to get implemented. Quite frankly, with a lot of the work that the committee has done, we may have a lot of solutions but they don't get implemented. How are you going to deal with that sense of frustration?

Mr Leiss: I've been dealing with that type of frustration for a long time. I started working in the city of Etobicoke in 1981 and became active with the union in 1984, and certainly I've met that type of frustration at the municipal level, at the regional level and at the provincial level. I simply rationalize that the process does take a long time and continue pursuing. In the event that the answer isn't forthcoming, I would continue to go after the answer.

Mr Carr: Good. I'm glad to see you're so determined, and wish you luck.

The Chair: Mr Fletcher, then Mr Wiseman.

Mr Fletcher: Thank you for being here. I have just a couple of things on waste reduction, and on wet-dry recycling especially. My area is going to get into a wet-dry

recycling, and yet I don't think they're looking at all the information that has come from other areas in the world where they've done wet-dry recycling, and some of the problems they've had. You sound like you're familiar with things that are going on in other parts of the world. Can we learn from their mistakes and perhaps be a little more proactive when it comes to waste reduction?

Mr Leiss: I would hope that we would learn from their mistakes and hope that we can adapt other systems and improve upon them. The wet-dry system is a system that is applied in other jurisdictions. I don't know if it's necessarily the answer here.

I think there are other reduction strategies that should be put in place before you divide the waste stream into a dry stream and a wet stream, in that I've clearly seen that the public is prepared to do its bit in source reduction, which I think is more important than attempting to run mixed materials through a plant and hoping that you come out with materials that aren't contaminated at the end.

Mr Fletcher: You're right. A lot of consumers, a lot of ordinary people, are willing to do their bit, but when it comes to the corporate sector, it seems that they're a bit slow. Some of the reasons that they are slow are (a) they don't have the information and (b) they don't have the technologies right now. How do we implement policies or directions when the industries don't have the technology or don't have the resources?

Mr Leiss: At this point, many technologies are available to corporations. There is some question as to whether they have the resources to implement some, but I think there's a very good example of source reduction that was accomplished by Quaker Oats. They went through a process and found that not only were they reducing the waste that was coming out of their facilities, but they were also saving money in the process. I think that companies have to recognize that in the long run it is probably in their interests economically as well as environmentally to pursue all avenues of reducing the waste stream.

Mr Fletcher: I'm a firm believer in "If you create it, you get rid of it." In other words, I'm not in favour of the megadump. I think each municipality has its own responsibility to get rid of the garbage it produces. Is that feasible with what we have or what we're doing or the approach that we're taking?

Mr Leiss: I think ultimately we can reduce the waste stream to less than 90% of the current stream. I believe there are certain items in the waste stream that will continue to have to be disposed of. Biomedical waste would be one avenue. But I think that it's well within the possibility to reduce the waste stream by 90%.

Mr Jim Wiseman (Durham West): I agree with you in your last comment. In fact I have had the pleasure of meeting with a number of companies that are setting up in Ontario now to do exactly what you've suggested. One of them that was funded to do research and development by the province of Ontario, the Ministry of the Environment, has developed a microwave technology that will take care of biomedical waste and plastic packaging, reverting it

back to its component parts of oil, carbon and so on. So this is happening.

But I would like to have your comments on the statement that I'm going to make now, that Metropolitan Toronto, the government and the works department, is perhaps the biggest roadblock to developing a really cohesive recycling system in the GTA, because it makes millions and millions of dollars every year from the dumps that it owns at Keele Valley and Brock West that it then can take out of that budget and put into other budgets. Therefore, the surrounding municipalities are supporting their budgets. Therefore, they don't have the incentive to reduce waste. In fact, it's a conflict of interest: To reduce waste would mean to reduce their revenue.

Mr Leiss: That revenue generation with landfill and the way that it is applied is a contentious issue and has been for some time, and Metro did in fact utilize some of the money for social services two years ago and has applied some of those funds for operation and for diversion programs.

As far as Metro is concerned, I'd have to say that efforts have been minimal at best in reducing the waste stream, and it doesn't appear, in my own opinion, that Metro is very serious about achieving or exceeding the diversion targets that have been set. The capital budget outlays for the next five years and the operational budget outlays for last year and this year have actually frozen or reduced environmental initiatives as far as Metro is concerned, and at the same time large amounts of money are spent pursuing disposal options. I think that Metro needs to rethink its agenda as far as waste management is concerned and make a serious effort at waste diversion, as opposed to simply finding another hole to fill up.

Mr Wiseman: They have rethought their waste generation. In 1991 some of my constituents were involved with Metro on a document that said that it could reduce waste by 50% by 1993, and hardly any of those policies have been implemented. In fact 43% of the waste stream is compostable material, and I think the Chinatown businessmen's association wanted to compost material in Downsview and Metro said no. That's a product of the fact that they create money out of it.

Almost 40% of the Ontario Food Terminal's budget, \$800,000 a year, is spent on disposing of waste. They set up a composting program whereby they composted the material and gave it back to the farmers as they drove away. Metro said they couldn't do that. How do we break out of this dinosauric attitude that the Metro works department and the Metro councillors have when it comes to waste management? What are you going to recommend for this government to do?

Mr Leiss: I guess that's a political question as well as a legislative question.

Mr Wiseman: Are you going to recommend that Metro Toronto own or control a landfill site from the IWA selection process?

Mr Leiss: Own and control?

Mr Wiseman: Yes.

Mr Leiss: I don't believe the process puts ownership and control exclusively in Metro's hands. That decision has to be made. I would say that if Metro were to own and control any site that it selected, there would have to be very stringent guidelines on that to compel Metro to make every effort to reduce its waste stream.

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Mr Wiseman: In terms of starting to move towards reducing waste, as I said earlier, 43% of the waste stream is compostable. There is a company that created a machine that composts about 300 tonnes a month and yet it seems to be having difficulty getting that machine into production and into use. I've seen it work. They have it up and running at the Mimico correctional facility in Etobicoke. It's about the size of a dumpster and it composts in 15 days. Is there some kind of recommendation that can be made in terms of putting in regulations and banning the dumping of compostable material from restaurants, supermarkets, food terminals and so on?

Mr Leiss: Any regulation can be put in place. Metro had the opportunity to implement some flow control legislation or make recommendation to the government to allow amendments to the Metropolitan Toronto act. I'm not familiar with the machine you're referring to, but I know that composting is not rocket science, that it's a naturally occurring process and that yard waste and kitchen waste shouldn't be in the waste stream. There's no reason for it to be in the waste stream. It needs to be handled either by the individuals who are generating it at home, with a backyard composter, or in small community-based composters or through systems that make economic sense and produce a viable material at the end of it.

The Chair: I'd like to jump in there and move on to Mr Bradley.

Mr Bradley: My first question relates to the potential for the 50% reduction in waste going to disposal facilities by the year 2000. We won't be in a recession for ever. The figures are skewed by a recession. They're down because of a recession. But when we come out of the recession and the economy begins to boom again some day, do you believe that with the policies in place today that you have observed that 50% goal is achievable? Or is it not achievable, as the naysayers of society would suggest?

Mr Leiss: I believe that goal is achievable today. I believe it's not a difficult process to eliminate more than 50% of the waste stream today. It's not an economic impossibility to do that today. It would make sense to businesses, it would make sense to home owners in the taxes that they have to pay for waste management and it would make sense environmentally. There's no reason that you can't achieve 50% today.

Mr Bradley: The proponents of incineration are once again rising up to suggest that incineration is one of the solutions to eliminating garbage in the province. What effect do you think there would be if we had significant incineration of garbage in Ontario? What effect do you think that would have on waste reduction efforts by municipalities and others?

Mr Leiss: I think incineration would reduce the diversion rates. The high-BTU materials that are required for incineration are in fact the materials that are easily taken out of the waste stream. The materials that are left have much lower BTU ratings and as a result are not as appropriate for incineration. I don't believe that incineration is a waste reduction method—it's a disposal method—and I don't believe that taking inert material and converting it into hazardous and toxic material is the proper way of dealing with waste.

Mr Bradley: Would you just mention for the record the results of incineration in terms of ash and what effect that ash has on our society?

Mr Leiss: The resulting ash from incineration, as far as I've understood so far, is either hazardous or toxic and as a result requires special handling, which is quite expensive. I don't believe we have the facilities in place to deal with those materials. They're certainly not as benign as the material prior to incineration.

Mr Bradley: Because you're dealing with waste reduction, I won't ask the obvious further question about whether it's advisable, then, to send it to the United States to be incinerated with the air blowing back over to Canada. Because you're on the waste reduction committee, I won't ask that.

I'm interested in your opinion on biodegradable materials. You'll recall that a few years ago there were a lot of people who were advancing biodegradable materials as the answer to everything: You could get the container and it would somehow magically disappear in the landfill site. Any views on the possibilities of biodegradable materials being the solution to our problems?

Mr Leiss: Biodegradable containers are primarily plastic with an addition to allow the plastic to break down into smaller pieces of plastic. As a result, you still have plastic in the landfill and, from my understanding, plastics are 100% recyclable and the plastics industry is proposing to close the loop. In other words, what they put out, they take back in. The biodegradable materials cause some problems for recycling plastics in that they contaminate all the plastics, and given that plastics are 100% recyclable, then there's no reason to provide those types of containers. That's the only experience that we have here with biodegradables.

I guess in worldwide experience, there are biodegradable containers that are made out of food products, rice—there are rice containers for fast-served food etc in Asia. I don't know what the experience would be with it here, but certainly as far as plastic containers are concerned, I don't believe that's the answer.

Mr Bradley: I'm sorry to move so quickly from one to another; we don't have much time. I'm interested in your views on several subjects. Composting: There are backyard composters, as you've mentioned, and there's the central one that a municipality might operate. You're from Mississauga?

Mr Leiss: Yes.

Mr Bradley: There was a councillor in Mississauga who used to write me letters saying how awful the regula-

tions were for composting and how that prevented composting from happening because we were too strict in the Ministry of the Environment in terms of the regulations. Do you see the regulations that exist at present as being a deterrent to central composting? This may be unfair; it's rather detailed and it may be an unfair question.

Mr Leiss: I'm not familiar with what the councillor wrote to you, but I believe it was probably the proposed regulations on the end product. I don't know where those proposed regulations are now. They're certainly not in force now. The existing regulations, I think, lend themselves to providing central composting, but I don't necessarily hold that central composting plants are necessarily the answer to diverting that portion of the waste stream, because there are other factors involved. You're entering into a large engineering project to provide a plant, the technology of which I don't know if it really has been proven; it would be new.

The pilot project with the Dufferin digester hasn't been working very well. The collection system is very inefficient as well. So I would say that for the residential stream, composting should be accomplished as much as possible by the home owners and that the next step would be more along the Zurich type of model with small central composting facilities.

Mr Bradley: Are you still with CUPE?

Mr Leiss: Yes.

Mr Bradley: If we had a representative of Waste Management Inc or something, the question we would ask is, do you believe it would be a conflict of interest? In other words, the viewpoint that you bring obviously is independent, but do you see a conflict of interest in the approach you would take as a representative of workers within a certain category in Ontario, that when you come to the committee you may offer your advice to the committee based on what would be good for your membership, which would be understandable, and would this interfere with your judgement on these matters, in your opinion?

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Mr Leiss: I believe that my position on the committee would be a labour representative. That would be my own members as well as other organized membership across the province. We have to deal with the public-private issues on an ongoing basis, and we have to find a rationale that all people can live with in that.

I'm going to be promoting a labour perspective. That's what I see my role as being. I have my own views, and they don't necessarily conflict. Some may be a little more ambitious than labour's willing to embrace right now, but I don't think they conflict with the end of the road.

Mr Bradley: Do you believe the private sector has a significant role to play in waste management and waste reduction?

Mr Leiss: The private sector has a significant role to play in waste management and waste reduction and I wish it would get on with it, because if it doesn't, the public is going to have to take it on and do it.

Mr Bradley: The last question I would have—

The Chair: Very quickly.

Mr Bradley: —because I think I've only got one question, is in terms of whether something should be compulsory or not compulsory. Do you believe that municipalities should in fact be compelled, not given a choice or not given a chance to do it on their own but should be compelled, to initiate various kinds of waste reduction and recycling programs? I say it in this context, Mr Chair, that some have only three or four items in the blue box and some have 11 items in the blue box. Do you think that should be compulsory or voluntary?

The Chair: Yes or no.

Mr Leiss: I think there should be continuity in the blue box program and any program that's offered across the province. That program should be the same for someone who lives in North Bay as it is in Metro Toronto, and certainly in large urban centres the programs should be the same.

The Chair: Thanks, Mr Leiss. We appreciate your appearance here today and wish you well.

Mr Leiss: Thank you.

PHILIPPE RABOT

The Chair: The final witness this morning is the witness we'd originally scheduled to begin the day with, Mr Philippe Rabot. He was delayed, as we know, by the snowstorm. Welcome.

Mr Philippe Rabot: Thank you.

The Chair: Mr Rabot is the intended appointee as the vice-chair of the Assessment Review Board. Do you have any brief comments you'd like to make before we get into questions?

Mr Rabot: I just want to thank the committee for hearing me at this time and I apologize for not being able to show up at the appointed time.

The Chair: It was beyond your control. Mr Grandmaître, would you like to begin?

Mr Grandmaître: I find it very, very strange, being from Ottawa. It's supposed to be nice and sunny there.

Mr Rabot: The problem was Toronto, not Ottawa.

Mr Grandmaître: Well, it'll be Ottawa's problem this afternoon, I'm told.

Mr Rabot, tell us about your experience with assessment.

Mr Rabot: As you know, sir, from reading my résumé, my experience over the past 10 years is with administrative tribunals at the federal level in employment and copyright matters. In terms of experience in the assessment field, I haven't previously worked for the Assessment Review Board or in that field.

Mr Grandmaître: I'm sure being from Ottawa you went through the market value assessment shemozzle, so what are your thoughts on MVA, market value assessment?

Mr Rabot: You're right. Being from Ottawa it's an issue I followed quite closely. It's an issue that affects me personally. It's a debate where I think there are very valid

arguments on both sides of the issue and I can very well understand why it is a divisive issue.

Mr Grandmaître: I want to know how you feel about assessment itself, because a lot of people are complaining about assessment right now. It's not only in the Ottawa-Carleton area, it's right across this province, because assessment is causing a lot of problems, and now this government, with its new program or new approach to disentanglement, wants to transfer these responsibilities back to municipal governments where it was back in 1968 or 1969, if I'm not mistaken.

What are your thoughts on this possible transfer? I hear it's not a done deal yet, but it's very, very close to transferring those responsibilities to municipalities through disentanglement.

Mr Rabot: I can't tell you whether that's going to make the issue any less controversial. I think we're all trying to come to terms with what constitutes a fair assessment process, and that may or may not be one way of attempting to come to terms with that issue. Really, I guess only time will tell.

Mr Grandmaître: As the vice-chair, you must have an idea of how assessment works, I'm sure, and being a lawyer, you must be familiar with assessment.

Mr Rabot: Yes, sir.

Mr Grandmaître: Have you appeared before the Assessment Review Board in your capacity as a lawyer?

Mr Rabot: No, sir, I have not.

Mr Grandmaître: You have not. So your experience with assessment is very limited?

Mr Rabot: That's a fair statement, sir.

Mr Grandmaître: A successful candidate appeared before a selection committee. Tell us about this selection committee because the members of this committee are not—

Mr Bradley: The NDP caucus.

Mr Grandmaître: —fully aware of this selection committee. What happened on that day?

Mr Rabot: You're referring to my selection for this position?

Mr Grandmaître: Yes, your appearance before the selection committee.

Mr Rabot: I first became aware of this position through an advertisement in the Globe and Mail. I appeared before a selection committee consisting of the chair of the board, the vice-chair responsible for training and development, the assistant Deputy Attorney General and a representative from the Premier's office, for an hour interview. Basically it was an interview that involved a lot of role-playing and assessed my knowledge of assessment of roles and responsibilities and procedures of administrative tribunals. There was also a written exercise to assess my ability to write an assessment decision.

Mr Grandmaître: And what do you think are your greatest assets to become the vice-chair?

Mr Rabot: I would think that one of my significant assets for this position is my experience over the last 10

years in the field of administrative law with administrative tribunals. Administrative tribunals generally face the same types of challenges and the same difficulties, and I think my exposure, for instance, to such matters as selecting members to serve on administrative tribunals, training them, assessing them, correcting performance deficiencies and also working at trying to improve the image of the tribunals I've served on can be significant assets for this position.

Mr Grandmaître: As you know, with MVA, you'll be a busy, busy person for the next three or four years because everybody is appealing their assessment, nobody is satisfied. Let's say you were chair of the Assessment Review Board. What would you change or what would be your recommendations to the ministry to simplify the system?

Mr Rabot: To simplify the assessment—

Mr Grandmaître: Yes, because it is a complicated system as you know.

Mr Rabot: I would not venture to provide advice on that matter without—

Mr Grandmaître: But being in the field, though, being an active player, don't you think you'd be in an ideal position to make some recommendations to the ministry to make it more understandable?

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Mr Rabot: I'm sure the opportunity would arise, and I think it's something that obviously I'd want to discuss with all members of the tribunal to get their input on that matter. It's difficult for me to tell you today specifically what I would recommend. I would certainly agree with you on the objective of making the assessment process perhaps simpler to understand for everyone.

Mr Grandmaître: Understandable. Because it is a complicated system. Bonne chance.

Mr Rabot: Thank you.

Mr McLean: Sir, will you be working out of Toronto or out of Ottawa?

Mr Rabot: I'm told it'll be out of Toronto.

Mr McLean: And you'll be moving to Toronto?

Mr Rabot: Yes, sir.

Mr McLean: What will the salary of this position be?

Mr Rabot: I'm told that it would be \$79,400.

Mr McLean: Who is the chair?

Mr Rabot: Mr Andy Anstett.

Mr McLean: How long has he been chair?

Mr Rabot: For close to two years now, I believe.

Mr McLean: And you know him personally?

Mr Rabot: Yes, I do.

Mr McLean: I'm looking at your résumé. Why are you wanting to leave Ottawa?

Mr Grandmaître: Because of the snow.

Mr McLean: Just look out here; it doesn't look much better.

Mr Rabot: I don't think it would be correct to say that I'm looking to leave Ottawa. I just think this position provides an excellent opportunity. It's a great challenge and it's a position I'll be busy in. I just want to be able to bring to this tribunal the benefit of my experience on other tribunals.

Mr McLean: I would have thought the federal administrative tribunal was a very exciting position.

Mr Rabot: Yes, it was.

Mr McLean: And you're taking a salary cut to come to this one?

Mr Rabot: No, sir, I'm not.

Mr McLean: You're not. That's a positive outlook.

Looking at the experience that you've had, I'm wondering why perhaps a part-time member wouldn't have been more appropriate to start with, to get to know the workings of the agency a little better, but I guess when you get the vice-chair you get a full-time position and it's different.

What views are you going to bring with regard to the change that was made here last December, I believe it was, by the provincial Fair Tax Commission when it released its Property Tax Working Group report? Are you familiar with the issue?

Mr Rabot: Yes, I am, sir.

Mr McLean: What opinion do you have on it?

Mr Rabot: Again, this board is an independent tribunal operating at arm's length from the government and I'm hesitant to start giving policy advice today. I think the issues that have been raised by the Fair Tax Commission are certainly worthy of consideration. There are a lot of good ideas, but there has to be more discussion on them, particularly with people who appear before the board.

Mr McLean: But are they specific in their recommendations or are they broad recommendations?

Mr Rabot: I beg your pardon.

Mr McLean: Have you seen anything that is really specific in their recommendations or are they kind of broad?

Mr Rabot: I've seen recommendations such as the fact that the time for appeal to the Assessment Review Board ought to be extended. That's one specific proposal. There are a number of other specific ones that I've seen on page 132 of their December 1992 report.

Mr McLean: In your opinion then, you think the working group report is a fair report and should be looked at as being an acceptable report to a certain extent?

Mr Rabot: I'm saying, sir, it's worthy of further consideration. I think that before these conclusions are endorsed there ought to be more discussion on it.

Mr Carr: Thank you very much for appearing and fighting through the storm.

I had a question regarding the volumes that you're going to be dealing with. As you may know, as a result of the Toronto MVA situation we now have a mayor of Scarborough saying that the entire population should appeal. The mayor of Toronto said if it'd gone the other way she

wanted everyone in Toronto to appeal. You're going to be swamped. How are you going to deal with this onslaught?

Mr Rabot: As best we can with the resources that are made available to this board. It may mean that matters will take more time to decide than would otherwise be the case. I certainly would not advocate that we rush into matters and deal with them in a more cursory fashion than we otherwise would.

Mr Carr: But if it's true—and quite frankly, not too many people knew about the process—they tell me that if you appeal it you usually always get a reduction. When more and more people find that out, I think there'll be more appeals going, and with the numbers that are coming into the system, quite frankly, I think we're going to end up with a clogged system that doesn't work and everybody gets upset with.

As vice-chair, I think you're going to be the one dealing with it, and if I were sitting in your shoes I don't know whether I'd be so anxious to come from Ottawa. I appreciate that you're going to take on this task. Is there anything else we as legislators can be doing to make your job easy? Because quite frankly, unless something changes, you're going to be in one heck of a mess over the next little while.

Mr Rabot: I think what we can all do, both the board and as legislators, is make sure that people are getting enough information as to what the Assessment Review Board's role is and what they can expect when they come before the board. I think the more information people have on the process, the more smoothly it will operate.

Mr Carr: I would disagree, because the more we give information, the more it comes out that if you appeal your assessment, it's going to be reduced. The more information we get by having the mayor come out and say, "You'd all better appeal"—it's actually going to make the situation worse. Quite frankly, the more people know about it, the more people will clog the system.

What's going to happen as a result of this—I think the intention of the mayor of Scarborough was to clog the system and just basically destroy it because she didn't get her way, and I say that because the Toronto mayor said the same thing on the other side. Regardless of what happened, you're going to be swamped. So you basically now have politicians who are encouraging the public to break the system. I think she knows that.

You as vice-chair are going to be coming in knowing that politicians are basically going to swamp your board. I appreciate that you can't do anything about that, but I would like to know, outside of new resources, whether there is anything we can do to streamline the process to make it a little bit easier. Quite frankly, we're going to be in trouble if we don't.

Mr Rabot: I think there has to be more discussion about this issue and I think you're right to raise it now before it's too late.

Mr Carr: Before you get hit with it.

Mr Rabot: Quite frankly, I would not want to deter anybody from appealing an assessment or from exercising the recourse that they have under the act, so I'm not going to say to you today that I'm deterring anybody from ap-

pealing the assessment. I think what I am concerned with is that people should understand what the board can and cannot do. With the Scarborough and Toronto situation, obviously the board is not going to resolve the issue of whether MVA should exist in Metro Toronto or not.

As to the matter of whether or not it will clog the system, obviously what we're going to do on the board is to do our utmost to make sure it doesn't clog the system. There are a number of different options that undoubtedly are going to be under consideration to prevent that. I believe, sir, that the board is really going to want to find a way to ensure that people aren't penalized by a backlog of cases before the board.

Mr Carr: The same thing happens with a lot of the boards and agencies. I mean, the rent review board started out as a great idea; it got backlogged. There's the Ontario Municipal Board. Our courts, for example, are backlogged now: 40,000 cases thrown out with Askov.

Just one last question. Do you think there should be something up front then, where somebody could do a quick process to take a look at it and say: "Hey, look. This assessment is being done because somebody is upset with MVA. We're not going to look at it, so that we can get to the true issues"? Do you see any process that we could use—being a lawyer, I don't know if you would—to sort of fast-track the legitimate ones and weed out the ones that are in the system unnecessarily? If so, how would you do that?

Mr Rabot: It's a good question. It's very arbitrary to say at the outset, "This case is a serious one and this one isn't." There are a number of things, however, that can be done. The right to a hearing doesn't necessarily mean right to an oral hearing. If matters can be disposed of without an oral hearing, perhaps that could be considered.

There are, as I say, a number of options that can be considered, grouping cases together. I don't have a magic solution to it today, but one thing I would certainly say is that it's difficult at the outset to start passing judgement on whether a case is serious or not until the complainant has had the opportunity to be heard, whether orally or in writing.

Mr Carr: Good luck. I hope the snowstorm isn't an omen of things to come in that position, but good luck anyway.

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Mr Tony Rizzo (Oakwood): Have you ever considered running for any political office? You sound like a very good politician.

Mr Rabot: Yes.

Mr Carr: I don't think that was meant as a compliment.

Mr Rizzo: Do you think it's possible to assess properties in a way that may reflect the actual services provided by municipalities? If you think so, do you have any idea how it could be done?

Mr Rabot: It sounds like the poll tax Margaret Thatcher tried to implement a couple of years ago. You are saying tying assessment to the value of the services provided?

Mr Rizzo: That's right.

Mr Rabot: You are asking me if that's possible?

Mr Rizzo: Yes.

Mr Rabot: I guess it's possible. Whether it's desirable or not, I'm sure, is a matter that would have to be open to some debate.

Mr Rizzo: You're saying we should find a political answer to that; that's what you're saying.

Mr Rabot: That probably would be advisable, sir.

Mr Rizzo: If appointed, do you see your position as one that allows you to administer the act in a restrictive way literally, or in view of the experience you have and considering the frustrations of the greatest majority of property owners, would you consider allowing some elasticity in the way the act is interpreted?

Mr Rabot: The matter of how the act is to be interpreted and the question of restricting this elasticity, obviously we get direction from the courts on these matters. I think we have to give to the act the interpretation that best reflects the intention of the legislators who pass it. Whether that's considered a restrictive or elastic interpretation is again open for debate.

Mr Rizzo: You try not to interpret, you try just to apply. That's what you're saying.

Mr Rabot: In order to apply, we have to interpret.

Mr Rizzo: That's what my question was—

Mr Rabot: Right.

Mr Rizzo: —in a different type of interpretation.

Mr Rabot: This is where, to a large extent, the direction that we get from the courts is going to determine the way we interpret this legislation.

Mr Rizzo: In view of the latest assessment at Metropolitan Toronto in 1988—I think that was the last one for which MVA probably was based—people realized that their properties were assessed, in some cases, double what they should have been really. What would be your advice to those people? To appeal? If they do appeal, would the new assessment be considered, or what?

What is going to happen to me when I go to apply for my assessment, because I have an assessment of \$10,000 and now after 1988 I found out I should only be assessed \$5,000? When I go to appeal my assessment, what is going to happen to me as a taxpayer?

Mr Rabot: My advice to anyone is to remember that what the Assessment Review Board does is really make a comparison between the way in which you were assessed and, say, your neighbours who own similar-type properties. Section 65 of the Assessment Act talks about ensuring equity on the basis of similar-type properties within the vicinity.

Obviously that's a factor you have to consider. Your assessment may have gone up but the question is, has your neighbour's gone up as well? What the board has to do is determine whether you've been improperly assessed in comparison to similar-type properties within your vicinity.

Mr Rizzo: Are you going to look at the assessment of 1988 or the prior years' assessments that are different?

Mr Rabot: I beg your pardon, sir?

Mr Rizzo: The assessment made in 1988 is completely different from the previous years' assessments.

Mr Rabot: Right.

Mr Rizzo: So should I compare my assessment in 1988 to the same type of assessment in the same year or to the previous assessments?

Mr Rabot: What I'm saying is that the board is going to have to look at the way you were assessed and see how similar-type properties within the vicinity have been assessed.

Mr Rizzo: Which assessment are you going to consider, the 1988 assessment or the previous ones?

Mr Rabot: The issue before the board is whether it's equitable, whether the way you're assessed now compared to the way your neighbour is assessed now is equitable.

Mr Rizzo: When taxes are applied to my property, are they now looking at the 1988 assessment or the previous assessments, because they're different?

Mr Rabot: Right.

Mr Rizzo: Two houses are exactly the same, one is assessed at \$10,000 and one is assessed at \$5,000. Before 1988, the assessment was the same, so which one are you going to consider to see if there's an inequality or not?

Mr Rabot: I can't start making pronouncements today on individual issues.

Mr Wiseman: We haven't appointed you yet.

Mr Rabot: We have to hear the facts of every case as they appear before the board, but what you say may in fact be relevant. I can just reiterate my previous comments. It's a question of, is it equitable compared to similar-type properties?

Mr Rizzo: I thank you.

The Chair: Mr Marchese, do you have a question?

Mr Marchese: I think you raised an interesting point. A number of people are going to appeal based on what Mr Rizzo is suggesting. Some mayors are saying to their folks, "Appeal your assessment based on what might have been under the proposed plan of Metro," which is to say that if you do it according to the plan, some people are likely to get a reduction in their property taxes. So people are considering that perhaps they should appeal based on this plan that isn't in force but which you cannot apply, because the application of whatever it is that you rule on is not based on something that is to come forward at some point in the future but on what is applicable now.

Mr Rabot: Exactly.

Mr Marchese: That brings me to the point you made earlier about giving people information. It's interesting to see how you will deal with that in terms of what kind of information you will disseminate to the public and whether or not you will put it out in the form that is literate that people will understand. I hope you do that and I hope the information that goes out is simple and clear so that you can anticipate the kinds of appeals you're going to get so you will have to deal with them once they get to you. Good luck.

Mr Rabot: Thank you. I think you're touching on a point that I agree with. The board has to have information that's easy to understand and precisely on the point; for instance, that the board itself cannot change the law.

Mr Marchese: Yes.

The Chair: Thanks, Mr Rabot. We wish you a safe and uneventful journey back to Ottawa. We wish you well.

We're going to break and reconvene at 2:30. I think everyone has been advised of that.

The committee recessed at 1228.

AFTERNOON SITTING

The committee resumed at 1434.

ADELYN L. BOWLAND

The Chair: I'm going to call the meeting to order. The first witness this afternoon is Adelyn Bowland. Ms Bowland is an intended appointee as a member of the Criminal Injuries Compensation Board. Welcome to the committee. Would you like to make a brief comment before we get into questions, or just move directly to questions?

Ms Adelyn L. Bowland: I'll just go ahead with questions.

The Chair: Fine. Your selection review was by the government party, so I'm going to look to Mr Marchese to begin the questions.

Mr Marchese: Do you think a lot of communities in Ontario are aware of what is available under the Criminal Injuries Compensation Board? Would you have a sense of that?

Ms Bowland: No, I don't, although it seems to me that it perhaps could be more widely advertised. But I'm not aware of the extent of the knowledge about the board's work.

Mr Marchese: As I was reading some of the research that was done on this, I suspected that a lot of communities simply don't know about this. My feeling is that those who are very literate and who read would be familiar with it, and those who are not in the habit of reading or who don't have the high-literacy academic level or professional socioeconomic status are not likely to benefit from such a program. I wondered how you would deal with that, as a board member, to make sure that a lot of our communities are aware of such a program.

Ms Bowland: I wasn't aware I had that kind of management responsibility, but of course I always have ideas on these things. First of all, it seems to me that if it's not already done now, the pamphlets should be in languages other than English and French—they are certainly in those two languages—and I know where they're distributed; they're distributed mainly by police officers or hospitals and also the legal aid clinics. Certainly they could be distributed to other sorts of agencies. In terms of people who are not verbal or oriented towards reading, there could be advertisements on TV and so on. But as you know, there's only so much money in this fund, and I suspect that the advertising is related directly to the limits on the funds available. And they're probably concerned that if they advertise it, they're going to be even more deluged than they already are. That's a perennial problem.

Mr Marchese: I understand that, and realize at the same time that when we do that, what happens is that those who are sometimes the most disadvantaged in society are the least likely to take advantage of a program like that.

Reading the research, there were a number of questions raised about a backlog in terms of people's ability to actually get to the issue. Are you familiar with the backlog problems?

Ms Bowland: Yes.

Mr Marchese: Do you have a sense of what they may have done already to deal with some of those concerns, or do you have suggestions about how to reduce some of the backlog problem they have?

Ms Bowland: One of the first possibilities is to have more hearings which are actually simply documentary reviews. As you probably know from reading—you've probably read the advisory board's report. No?

Mr Marchese: No, simply some of the research that our research staff has done.

Ms Bowland: The advisory board on victims' issues made a report in 1991, and it made the same sort of recommendation, as have many people. Right now, if a victim who makes an application consents to this, the review can be by documentation, which of course speeds it up dramatically. But some victims want to attend in person before the committee, as is their right. So if you only have so many board members and you're already backlogged, perhaps you can invite more board members to be appointed. I don't know. I think that's the only alternative. I don't know what other way procedurally there would be to deal with this.

Mr Marchese: I'm not sure, except that we have had a number of situations with different boards dealing with issues of backlog. Of course each organization has to find its own way of trying to streamline or make it more efficient; not necessarily by adding more people do you answer some of these questions.

Ms Bowland: Oh, absolutely. I think you're right.

Mr Marchese: Can I ask you, do you have a vision of what you would like the Criminal Injuries Compensation Board to be like in terms of new directions, possibly, or other aspirations you might bring to this job that are not already there?

Ms Bowland: I'm very interested in the whole notion of collapsing all the different compensatory systems into one. I have not given this much thought, but I think it is a really interesting idea. By that I mean that workers' comp and criminal injuries compensation and various compensation systems would be dealt with as a whole. I think that would be really interesting; it might save administrative costs. I have no idea how that would be done, but I think that would be very interesting to look at.

1440

Mr Marchese: Do you have a sense of what some of the objections might be to doing that?

Ms Bowland: You'd lose the specialized expertise of panel members, which is certainly always one objection, because that's what administrative tribunals are hired to do, to have special expertise. People might feel they're going to get lost in the shuffle, a big bureaucratic shuffle, which is always possible. Those are two objections I can think of.

Mr Marchese: Thanks very much. I don't know if other members have questions.

The Chair: Any additional questions from the government members? No? Mr Grandmaître.

Mr Grandmaître: That's it?

Mr Marchese: I wanted to leave a lot of room for you, Bernard.

Mr Grandmaître: Oh, thanks. People are generous today.

Tell me more about the Criminal Injuries Compensation Board. I agree with you that it's not very well known and your budget is not what it should be. Everybody's complaining about budget. How would you make it simpler, let's say, for people to become aware of your responsibilities and the services provided by the compensation board?

Ms Bowland: I mentioned television advertising. Is that what you mean: better access to the board, knowledge about the board's services?

Mr Grandmaître: Better access and to make it better known.

Ms Bowland: Apart from television advertising, it seems to me there are all kinds of agencies that deal directly with poor people or people who are not able to speak English well. All those agencies could be advised of the services that are available through the board and the compensation system that exists now. Those are two ideas.

I think the best approach is usually a personal approach rather than a television approach. I think people take it in better through members of their own community if they feel that marginalized sense of themselves. So I would think the latter would be the better approach: the direct, personal approach.

Mr Grandmaître: Do you think lawyers can do a better job in promoting the compensation board?

Ms Bowland: What did you have in mind?

Mr Grandmaître: We say it's not a well-known service. Do you think lawyers have a role to play in informing their clients that there is a compensation board? Are they doing a good job in promoting this kind of service, or is it their job?

Ms Bowland: I don't know what kind of job lawyers are doing. It seems to me that often lawyers do represent victims before the board. They don't get much money for it—a very, very small amount of money.

Mr Grandmaître: Maybe that's why they're not promoting it.

Ms Bowland: Maybe that's why. Their role is minimal. In a way, it's just like small claims court for lawyers. You know what I mean? It doesn't pay a lot. I don't apologize for my profession. I think many of us make a lot of money, and we're not going to make much money before this board, so perhaps it's not in our financial interest. But there are lots of lawyers who are not like that, and I think they are keen to play a role before the board and to advise their clients.

You see, a victim doesn't usually go to a lawyer, so that's part of the problem. A victim wouldn't go to a lawyer to say "What are my rights?" They might want to sue the accused in civil court.

Mr Grandmaître: Where do they go?

Ms Bowland: I guess if they want to sue civilly, they'd go to a lawyer and say, "Can I get compensation from the person who did this to me?" But apparently now more and more the board is seeing family violence cases, situations where the victims know each other quite well. Sometimes the victim doesn't know the accused, can't identify the accused and can't get to the accused, so therefore wouldn't be going a lawyer. I think often family members don't go to lawyers either to sue the accused. The last thing they want to do is sue the accused. They want it over and done with. They might want a bit of money, but they're not thinking about big bucks. They're not necessarily going to a lawyer.

In some ways, I think the fact that lawyers are less involved has to do with the way the victims see themselves in the context and the nature of the problem they're dealing with. It's either a person well known to them whom they don't want to sue or a person unknown to them whom they can't identify.

Mr Grandmaître: Also, it's called the Criminal Injuries Compensation Board. Do you think the word "injuries" scares a lot of people?

Ms Bowland: Yes, I think it does. It's kind of intimidating.

Mr Grandmaître: Are you going to change the name, then?

Ms Bowland: Well, I could. I don't know. I don't think I have any power to change the name, but I think that's a good idea.

Mr Grandmaître: I think so too, because let's face it, it's not only physical injuries that should be compensated. I was thinking of sexual harassment. It's on everybody's mind right now. Maybe in the Criminal Injuries Compensation Board, "injuries" should be changed to something else, and to look after compensation, criminal compensation, add something.

Ms Bowland: Yes.

Mr Grandmaître: Okay, thank you. Good luck to you.

Mr McLean: Are you aware of how long it takes to deal with the average case?

Ms Bowland: No, I'm not.

Mr McLean: Some time ago, I was on a committee and we'd done investigation into this board. At that time, and I'm not sure who was the chairperson, they weren't too in favour of increasing the costs and increasing what injured people got. If my memory serves me right, it appears there were a lot of cases that were sitting on file that were never being dealt with. Are you aware of any cases today that are sitting there that aren't being dealt with?

Ms Bowland: No, I'm not. I think it's terrible if that's the case, but I don't have that kind of knowledge.

Mr McLean: Are you familiar with the workings of the board?

Ms Bowland: I've certainly read the board's annual report and I have read the advisory committee's report, and of course the statute, but that's as much as I know.

Mr McLean: Have you read the statistics with regard to the board's workload for the last four years?

Ms Bowland: No, I haven't, because they haven't had a board report since 1989, I think.

Mr McLean: Why did you apply for this position? Did you apply or were you asked to serve on it?

Ms Bowland: I applied.

Mr McLean: For what basic reason?

Ms Bowland: I've been doing work in the area of victims' rights for some years, and I'm very interested in the area, so I applied to work on this. I thought it was a very worthwhile project to be involved with.

Mr McLean: With regard to the scope of being able to qualify, I wanted to find out from you if it should be broadened or not, but seeing that you're not too familiar with it, you probably won't be able to answer the question.

Ms Bowland: If the criteria should be broadened?

Mr McLean: If the amounts of sums that are paid out should be broadened.

Ms Bowland: I don't know the answer to that. I have thought about it. The advisory committee did a comparison of various jurisdictions, including British Columbia and two United States jurisdictions, and it found that the average amount of payout in 1991 or 1990—I'm not sure what the exact year was—was roughly \$4,000 here. It's a bit higher in those other jurisdictions but not much higher.

I think the issue is not what our jurisdiction pays out but how criminal injuries compensation is viewed generally in other jurisdictions. Do you know what I'm saying? I think there are limits on it for real reasons, and they're not necessarily our jurisdictional issues but the broader question of what the purposes of criminal injuries compensation schemes are. I'm not sure how it fits in with torts and so on and restitution in the Criminal Code now. I'd really have to think about it a lot more than I have.

Mr McLean: You are doing a book with regard to the Human Rights Commission. Your book is due to be out shortly.

Ms Bowland: It's out now.

Mr McLean: Why did you proceed in doing a book based on what you have found in your work in the past with regard to the Human Rights Code?

Ms Bowland: I was an investigator there for a year in 1986, and what I thought was missing was a really good text providing access to the decisions under the Human Rights Code. So along with two other lawyers, I started to write that text, and we think it's actually doing very well. It sold half its print run in three months, so I think it's filling a real need.

Mr McLean: Do you feel that the legal aid clinics across the province are overworked or are being funded adequately?

Ms Bowland: I think they're overworked, and I'd like to see them funded more.

Mr McLean: Who do you think should pay for that funding?

Ms Bowland: We lawyers, of course. You know that we contribute to legal aid clinics through our fees. I don't know. That's a very good question. As was pointed out by Mr Grandmaître, I think there are many reasons to increase their funding, as there are many reasons to increase other sources for other areas of funding. So it's a difficult question.

1450

Mr McLean: You were a lecturer at Osgoode Hall and you taught legal research. How long did you do that?

Ms Bowland: Two years.

Mr McLean: Were you teaching to a junior class or a senior class?

Ms Bowland: A first-year class; it's an introductory course.

Mr McLean: Poverty law: You dealt with that for the Parkdale Community Legal Services. Could you elaborate on that?

Ms Bowland: That's such a long time ago. That was when I was a student in 1975 and I specialized in landlord and tenant law.

Mr McLean: You've done a lot of writing—

Ms Bowland: Yes. I love to write.

Mr McLean: —and a fair bit of lecturing. What has been your major full-time job?

Ms Bowland: In the last year and a half, I've been working as a self-employed consultant doing law and social policy, legal policy work.

Mr McLean: Gary, do you have any—

Mr Carr: Yes. I just want to touch base on some of the case load, very quickly; I don't have much time. Each year we keep falling farther and farther behind, and I know you touched a little bit on that. We've touched on it this morning too, with the chap who came in regarding assessment, and it seems like we've put a lot of these programs in place, whether it's the Workers' Compensation Board or the rent review board. Even our own courts are now backlogged. We seem to run into so many problems, and with all due respect to the legal profession, lawyers have not had a good reputation in terms of being good administrators.

I just wondered—and you've done a lot of things, obviously, with your writing and so on—what skills as an administrator do you think you can bring, because quite frankly, that's what we need in this position when you see the number of cases? How would you classify yourself in terms of an administrator? What are your strengths?

Ms Bowland: Having worked a year at the Human Rights Commission, I'm certainly aware of backlogs and ways that have been used to deal with backlogs. Unfortunately, they often involve some kind of an expenditure of money. Sometimes what perhaps has to happen is the computerization of all the files. I suspect that's not been completed at the board. I don't know what state it's in, but that was recommended by the advisory group in 1991. I think

that's probably an excellent idea. I love computers; I work on a computer, and boy, do they speed things up.

Alternatively, or perhaps in addition—you see, I don't know all the processes through which a file goes. I'm aware of who does what and so on, but I have no idea of how long it takes each level to deal with the files when they come in. That's certainly an issue I'd have to find out. I have no idea whether Ms Calder has looked into those sorts of things or not, but that's what I'd look at. I'd look at the time frames. How long is it taking application claims to go through the system? Where is the slowdown, and why is the slowdown occurring? Is it lack of labour power or is it something else that we can handle in a different way?

Mr Carr: As you know, the situation with labour—when we talked about the backlog at the Human Rights Commission, you know the answer would have been to add more people, but we can't. I guess we went to one of the accounting firms, management consultants, to come in to take a look and now it's even further behind, so we said, "Well, we'll just computerize." One of the problems we've got is the time frame in the case load that we debated so much.

Is there anything you can see being done in terms of the actual making of a decision quickly, which I talked about earlier, similar to what maybe happens with some crown attorneys when they try to speed up the process and weed them out and so on? Is there anything you see that we can do in that regard, or are we going to be here a year later with the list longer? Can you sort of give us some hope that it's going to actually get better?

Ms Bowland: I think what probably is necessary is some kind of specialization in terms of the review of claims. I don't know if that exists now, but with crown attorneys they often specialize in types of matters, and therefore they know better what proof is required, what criteria are necessary in terms of evidence law and so on. If they're not doing that, I think it would be a good idea in terms of reviewing claims and rejecting claims and looking at the evidence available. Often that's the problem; there just isn't the evidence.

Mr Carr: Right. Mr Runciman has a question.

Mr Robert W. Runciman (Leeds-Grenville): Just a couple of quick questions; we don't have much time.

You've had a lot of experience with victims and dealing with victims, and I'd like to know how you feel generally about the treatment of victims of crime in Ontario and the whole question of a victim's bill of rights which has been talked about.

Also, when you're serving on the compensation board, I wonder if you've given any thought to the idea of new ways of raising revenues to compensate victims of crime. I know that looking at the seizure of property from people convicted of crimes—if a portion of those revenues, for example, was directed towards the compensation board so that victims could be more appropriately compensated. I wonder if you've taken a look at those kinds of things. Just general comments.

Ms Bowland: I've wondered about that. I'm aware that the board has the authority to sue an accused, and of

course you make claims as to money claims but not property claims. I think the act certainly would permit the latter, and if not, then we could certainly think about amending the statute so that property could be claimed and sold. I don't know how much time the board puts into suing accused. I have no idea how much time is devoted to that and I think that's something I would want to look into as well.

As for alternative sources, they are always reviewing the federal-provincial agreement, which is probably not worthwhile, but as you know, the federal government puts money into all compensatory schemes.

Mr Runciman: Is there a need for a victim's bill of rights?

Ms Bowland: I think it would be a very good idea. Yes. I think it's going to be difficult to put in, but I think it's a very good idea.

The Vice-Chair (Mr Allan K. McLean): No questions? Thank you for appearing before the committee today.

Ms Bowland: Thank you.

FRED UPSHAW

The Vice-Chair: Is Mr Upshaw next? I thought he said he was. Fred, have a seat here. I had all the questions to start with, and the Chairman put me in the chair and then he left.

It's the official opposition that has asked for this review. Do you have any opening remarks or would you prefer to just answer questions?

Mr Fred Upshaw: I prefer to respond to any questions and just simply state that my prospective nomination to the board of the Workplace Health and Safety Agency is certainly—the work the agency does is something I'm extremely committed to.

The Vice-Chair: Mr Grandmaître.

Maybe I should address you as senator. Did you know that at one time the young JCs referred to you as senator? That's a much better paying job. You should have stayed there.

Mr Upshaw: It would have been nice if they paid you.

Mr Grandmaître: You know quite a bit about Bill 208 that created the Workplace Health and Safety Agency. With your experience, tell me if it's working, and also, what would you recommend or what would be your recommendations to improve the agency?

Mr Upshaw: First of all, let me say that I believe the workers' health and safety agency is working very, very well. Something that's extremely important to the members that I represent, which is well over 110,000, the core certification training program is an absolute must and I certainly would do everything in my power to see that that program moves along smoothly. I even believe in the first year there are about 100,000 health and safety representatives, both from management and from the workers' side, that will be put through this certification program. An absolute must, and I support that all the way.

In terms of what would I do to improve the agency, I would just adhere to my commitment to the policy of the statement of the agency. The agency is dear to my heart, so I would strive to see that the mission statement is adhered to at all times.

1500

Mr Grandmaître: As you know, there was quite a debate on Bill 208. A lot of accusations were made back and forth against management, for management, for management against unions, for unions. What is the relationship since that? What has it been since the introduction of Bill 208?

Mr Upshaw: The relationship between the agency—

Mr Grandmaître: Between management and the unionized labour people. Was it a perfect marriage?

Mr Upshaw: It should have been a perfect marriage. My understanding is that there were some resignations from the agency board from management's side. That's unfortunate. I personally subscribe to bipartite. I've travelled across this province speaking on the values of partnership, both to my members and also to management associations. I strongly believe in bipartite and certainly will use my influence on the board to ensure that management and labour work hand in hand.

Mr Grandmaître: Do you think management is taking Bill 208 seriously, or a lot of it? What would be your guess? Would you say that 95% of, let's say, management takes Bill 208 seriously, or is it 75% or 50%?

Mr Upshaw: That certainly would be a hypothetical guess on my part.

Mr Grandmaître: Yes, yes.

Mr Upshaw: But I would suggest that 65% to 70% are taking it seriously and want to cooperate. I believe there's a percentage, however, that, maybe even given the financial aspects of the health and safety program, may be opposed under those grounds.

Mr Grandmaître: Why do think there's only 70% of management that takes Bill 208 seriously and what will you do to improve that percentage? What will be your selling job to improve that percentage?

Mr Upshaw: In this day of restraint, obviously people don't want to commit themselves to any additional expense and obviously the core certification program does cost money. How I would try to sell that program is based on the amount of money that's lost in a year through accidents in the workplace and illness. If you added up the amount of money just from lost time at work, I think it's a very powerful, persuasive argument that any money spent on health and safety which would help to reduce the time off work would more than pay for itself by people being at work.

Mr Grandmaître: Yet the workers' compensation people are saying, "Look, even with Bill 208 we're still inundated with more claims." Do you think Bill 208 is really working?

Mr Upshaw: What I believe is that as we get into the core certification training program that will justify itself in

that it will most definitely start to work and work very well.

Mr Grandmaître: So what you need is more money to train people? This is what you're telling me?

Mr Upshaw: I'm not talking in terms of needing more money. My understanding is that the program will actually pay for itself.

Mr Grandmaître: Pay for itself?

Mr Upshaw: I believe so.

The Vice-Chair: We'll pass over to the government party and see if it has any questions.

Mr Fletcher: I have just a couple of questions, one on the previous question about the agency working to reduce the number of deaths and injuries in workplaces in Ontario. Do you think this is going to work later on down the road once the training gets in place?

Mr Upshaw: I wouldn't commit myself to the agency if I didn't strongly believe that the work of the agency will do just that, decrease deaths and serious injuries in the workplace.

Mr Fletcher: As far as some of the people who have already been on the agency are concerned, some have retired. They've quit because they've had disagreements. Is your commitment such that you're not going to be tendering your resignation because you lose one battle? I know what it's like when you have a debate in the labour movement and sometimes you walk out not agreeing, but you're solid usually. You're committed?

Mr Upshaw: I'm most definitely committed. I know what it's like to sit across the table and negotiate. You win some, you lose some, but you certainly don't get up and walk away, especially when the people you represent are looking for your leadership. I certainly don't look at a person as being a leader if he just walks away when there's a confrontation.

Mr Fletcher: Do you think the bipartite system is the right approach to workplace health and safety?

Mr Upshaw: I believe it's the only approach.

Mr Fletcher: How come? Let me just paraphrase this a little. I know that in the labour movement, health and safety has always been a big topic, with a lot of seminars, a lot of workshops and everything. Why do you think it's such a big thing? I know from a lot of people that management just isn't listening. That's what I hear from a lot of people in the movement.

Mr Upshaw: I've learned through my experience that when you work in a partnership arrangement, which is a bipartite arrangement, it works very well. It's not driven from one side or the other; it's a compromise. When you work hand in glove, that's when things work out the best. I can even think in terms of the employee assistance program. That's strictly a bipartite situation in the workplace. It's one the best programs that our union has ever been involved with, because management and labour work together. So I support bipartite all the way.

Mr Fletcher: You don't have a conflict because you hate this government or anything, do you?

Mr Upshaw: I have to work with this government on a daily basis and I have no conflict.

Mr Fletcher: I know. Thank you.

The Acting Chair (Mr Gary Carr): Anybody else from the government side?

Mr Rizzo: Yes, sir. I'm reading here on the research work that the compensation board "pays for the agency's budget by means of levies against employers falling within schedules 1 and 2 as defined in the Workers' Compensation Act." Can you explain a little bit more about that? Who funds the agency? The Workers' Compensation Board?

Mr Upshaw: The Workers' Compensation Board, yes.

Mr Rizzo: That's right. "By means of levies against employers falling within schedules 1 and 2 as defined in the Workers' Compensation Act." Can you tell me what schedules 1 and 2 say? How do they do that? The employers falling within schedules 1 and 2 of the Workers' Compensation Act are those who are funding, through the compensation board, the agency. Can you tell me who those employers are in terms of what type of employers? Who falls under those schedules?

Mr Upshaw: Schedule 1—

Mr Rizzo: —and 2.

Mr Upshaw: I'm afraid I don't know that answer.

Mr Rizzo: You have no idea. Can you tell me if it was ever considered asking employees who work in construction, forestry, mines and similar types of work to exercise before they start work in the morning? I know this happens in some companies in Japan. Have you ever considered even suggesting that, rather than coming out of the car or their shack and starting to work right away with these kinds of cold temperatures, to allow them half an hour to exercise and warm up before they actually start working?

Mr Upshaw: I think the concept is quite interesting. If the experts in the health and safety field feel that would be a deterrent to serious injuries and so on, I certainly would support something of that nature.

Mr Rizzo: It was never considered before?

Mr Upshaw: I haven't sat on the board yet.

Mr Rizzo: I see. You are not aware of any initiative in that direction?

Mr Upshaw: No. I am aware, though, in my own union and some workplaces that we do have exercise breaks during the day. I'm certainly in favour of that.

Mr Rizzo: The first year of operation of the agency was 1991. Do you know about that?

Mr Upshaw: 1991?

Mr Rizzo: The first complete year of operations.

Mr Upshaw: I believe that's right; 1991, yes.

Mr Rizzo: This was when the agency was created, 1991?

Mr Upshaw: Yes.

Mr Rizzo: Before that, were the other agencies, like the Construction Safety Association of Ontario, funded by the compensation board also or were they funded through different types of funding?

Mr Upshaw: I would think that they would have been funded by the Workers' Compensation Board.

1510

Mr Rizzo: And they were responsible, they were giving their reports to the compensation board also.

Mr Upshaw: I would think so.

Mr Rizzo: And since the creation of this agency, now they are responsible to you.

Mr Upshaw: Through legislation.

Mr Rizzo: And through you, and you respond to the compensation board.

Mr Upshaw: Yes.

Mr Rizzo: Okay, thank you.

Mr Wiseman: I have a question. There seems to be still some tension in the workplace regarding the enforcement of some of these inspectors' orders and I've had—I don't know how you do this, but that's what my question is about. Apparently some of the inspectors have allowed their position and some of the authorities within the act to go to their head in terms of what they're doing. Have you any thought about any way a greater degree of tact or diplomacy could be used in terms of how the inspectors and their implementation of their legal powers could be used to sort of minimize that kind of attention?

Mr Upshaw: I think the first thing you must do is to evaluate the red tape involved when an inspector goes out to make an inspection, makes a report back to his superiors. That's where there seems to be a breakdown. I understand this because the inspectors are my members and we've discussed this very thing and maybe, as you say, some of their heads get a little big. But the big problem is that they need the backing of their superiors when they make decisions at times, and it seems to be a breakdown there.

Mr Wiseman: Well, some of the management is really hostile to inspectors coming in and it may not even have been anything the inspectors did. It could be just, you know, mistrust, I guess. Management really isn't too happy about—some management, I mean. Some management out there's really happy to see this because they've seen that it saves them money, saves them from people being injured, missing time and so on. I'm just wondering if there's any way that kind of tension could be reduced.

Mr Upshaw: I believe with the expertise that will be gained on both sides, on management side and on the labour side, through the certification training, where you will now have people who understand the legislation and have the wherewithal to ensure that it is in fact a healthy and safe workplace—as that program unfolds I believe you'll find the tension decreasing, because now they'll have experts right in the workplace who'll be able to assess the situation.

Mr Wiseman: Yes, I was just looking through the manual you've brought in and, as a former teacher, I think the visuals and the way it's laid out is an excellent way of communicating. I would like to commend the workers'

health and safety agency who put this together, because this is really a good book to work from.

Mr McLean: Welcome to the committee.

Mr Upshaw: Thank you.

Mr McLean: Do you remember the night in the Holiday Inn in Orillia where you had my chair upside down and my name on it?

Mr Upshaw: Is this get-even day?

Mr McLean: No. I came in half an hour late with TV cameras and stole the whole show.

Why did you apply for this position, Mr Upshaw?

Mr Upshaw: Well, I believe in health and safety. I'm a registered nurse. Most of my nursing has been in a psychiatric facility. I have seen many of my colleagues over the years get seriously injured. I've seen that a lot of those injuries could have been avoided had we had health and safety numbers, meaning staffwise, on the wards to deal with aggression.

I've seen my own members—well, one of my members was murdered, Krista Sepp, working alone. I've seen my members killed in the ambulance service when the plane has crashed, even though before going up in the plane they tried to point out that it was unsafe, but through a sense of responsibility, they went and they were killed. I've seen members seriously affected by pricks of needles, when they're giving medication and so forth, where they've ended up with hepatitis. I can go on and on. I myself have been approached by a psychiatric patient with a sword.

Mr McLean: So, as a member of the board, what are you going to do to prevent that?

Mr Upshaw: What I'm hoping to do is to ensure that we now have experts in the work field who can point out these discrepancies and put a healthy environment in the workplace before these types of things can happen.

Mr McLean: How many days a year will you be sitting? I have no idea. I haven't seen anything where it says how many days you would be required to meet.

Mr Upshaw: I believe that the board will make a decision as to the dates it wants to meet, probably almost from meeting to meeting, and I'm prepared to meet whenever it's necessary.

Mr McLean: How many meetings did they have last year?

Mr Upshaw: I have no idea.

Mr McLean: I guess it bothers me a little bit when I—you know that there's a per diem for this.

Mr Upshaw: I don't accept per diems.

Mr McLean: You don't accept per diems?

Mr Upshaw: No, I don't.

Mr McLean: I'm glad to hear that, because it indicates here that it's \$275 for every day spent on agency business. I was just hoping that it wasn't—

Mr Upshaw: Well, that's \$275 a day that you won't have to pay to me, because I do not accept per diems.

I also sat on the Premier's Council on Health, Wellbeing and Social Justice and I haven't claimed one penny of

expenses that go along with that position, and I don't intend to.

Mr McLean: I appreciate that very much. Thank you, Mr Chair.

Mr Carr: I want to thank you for coming in here. I know you mentioned a couple of others. You've been actively involved in a lot of government committees and worked very hard. I was interested in the time that you do have, because I've seen some of the statistics in some of the committees you've been on and you do work extremely hard. Are you going to be able to fit this in and are you dropping any other priorities, or what's going to be happening with your time?

Mr Upshaw: Given the position that I'm in, I would have to say that probably the number one priority for me is the health, safety and wellbeing of my members. When I make a commitment to the agency, I intend to be there when the meetings are called, and I expect to participate to ensure that we cut down on the accidents and that we start to develop good, healthy workplaces.

Mr Carr: This isn't to point any blame but, as you know, there has been a lot of criticism that it hasn't been working. I think we talked a little bit about some of that. I know your background and, having worked with management and labour, you've tried to bring them together and hopefully will be able to do that. But is there anything else you see that can be done to make this work? As you know—again I'm not pointing a finger as to whose fault it is, because that wouldn't be helpful—but there has been some criticism. What else can we do to make this thing work?

Mr Upshaw: I believe in a healthy attitude, which is what I will take to the agency. I don't look at myself as being on one side or the other. I just look at what we're there for, and I'll work in partnership to see that we accomplish it.

Mr Carr: What about on the other side, from business's perspective? As you know, they have been the ones who have been very critical. Is there anything you can see that you're doing to bring them back and improve their attitude towards it? I appreciate the attitude you're coming in with. How are we going to do that? I know that's a million-dollar question, but maybe you could just help us with it.

Mr Upshaw: I guess it all evolves around the attitude you have yourself. It doesn't take too long for the people on that board to realize that you have a healthy attitude, and that has a way of rubbing off. If you come in with an antagonistic point of view, then we'll never get to first base. I'm coming in with a fresh view, one where I want to participate in a partnership, and I think that'll rub off.

Mr Carr: One last question. This isn't to be political so I don't intend to be like that. I know sometimes people misinterpret it. I guess you could say it either way, but how would you classify the relationship with your government and your members now? Is it getting better or worse and what can be done to try to improve it? Is there anything?

Mr Upshaw: Once again, in the relationship with the government and my members, I can say to you that, given the fact that we're in a recession and looking around at the other provinces in this country, as far as my members are concerned at least, we have the type of contract we can be proud of, given the situation of some of the other provinces. We will never see eye to eye on everything, and that's what union management is all about. But one thing we have done is we've had a lot of consultation. That I appreciate, but we will never see eye to eye on every single thing.

Mr Carr: Good luck.

The Chair: There's some disagreement over time unused, but I'm going to allow the official opposition one additional question.

Mr Bradley: Will it be your intention to be as vigorous in your criticism of the present administration and the position to which you're being appointed as you have consistently been of Conservative and Liberal governments over the years, or are we simply going to have an apologist for government policy? I just heard you say "considering the recession" in a little bit of a preamble, which I never heard when a Tory government or a Liberal government was in power.

Mr Upshaw: I never had a job security package when the Liberals and the Tories were in power.

Mr Marchese: That can't be.

Mr Upshaw: Having said that, I will be very vigorous on the board in upholding the mandate of the board. That you can count on. That's where I will be coming from. I can be very antagonistic if I feel people are moving off the mandate of the agency.

Mr Bradley: So we'll read in the OPSEU News about how you're dissatisfied, if you are dissatisfied.

The Chair: Mr Upshaw, that concludes the debate that was almost about to start. Thank you very much for your appearance here today. We appreciate it and we wish you well.

For members who are not aware, Tom McCullough, who was slated to appear before us, couldn't make it today and we're still trying to arrange for his appearance tomorrow. That's not confirmed yet. What I'm looking for at this point is either one motion or individual motions to concur with the appointments reviewed today.

Mr Marchese: I'm prepared to move concurrence on all of them.

The Chair: Mr Marchese moves concurrence on all of the appointments reviewed today. Any discussion on the motion? All in favour? Carried.

Mr Bradley: Guaranteed.

The Chair: That concludes the regular meeting. I remind the members of the subcommittee that we're having a brief subcommittee meeting. Meeting adjourned.

The committee adjourned at 1524.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- ***Acting Chair / Président suppléant:** Carr, Gary (Oakville South/-Sud PC)
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Stockwell, Chris (Etobicoke West/-Ouest PC)
Waters, Daniel (Muskoka-Georgian Bay ND)
- *Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present/ Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Ms Carter
Carr, Gary (Oakville South/-Sud PC) for Mr Stockwell
Cooper, Mike (Kitchener-Wilmot ND) for Mr Waters
Duignan, Noel (Halton North ND) for Mr Wiseman
Fletcher, Derek (Guelph ND) for Mr Ferguson
Rizzo, Tony (Oakwood ND) for Mr Frankford

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

CA201
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Parliament



A-33

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intercession, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 17 February 1993

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Mécredi 17 février 1993

Comité permanent des organismes gouvernementaux

Révision des nomination

Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor

Published by the Legislative Assembly of Ontario
Editor of Debates: Don Cameron



Publié par l'Assemblée législative de l'Ontario
Éditeur des débats : Don Cameron

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Subscription information may be obtained from: Sessional Subscription Service, Publications Ontario, Ministry of Government Services, 50 Grosvenor Street, Toronto, Ontario, M7A 1N8. Phone 416-326-5310, 326-5311 or toll-free 1-800-668-9938.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 17 February 1993

The committee met at 1005 in committee room 2.

SUBCOMMITTEE REPORT

The Chair (Mr Robert W. Runciman): I'm going to see a quorum and call the meeting to order. Everyone has a copy of the subcommittee meeting minutes. We can thank the clerk for that. Are there any questions or comments with respect to the minutes of the subcommittee? I'll draw to the attention of members—they'll get reminders to this effect, in any event—that we're scheduled to meet again on March 9 and 10 to review the selections made by the subcommittee. If there are no questions or comments, we'll just move on to the next order of business.

Clerk of the Committee (Ms Lynn Mellor): It's carried?

The Chair: You can assume it's carried.

APPOINTMENTS REVIEW

Consideration of intended appointments.

PATRICK RYAN

The Chair: Our first witness this morning is Patrick Ryan. Mr Ryan, would you like to come forward and take a seat, please. Good morning. Mr Ryan is an intended appointee as the labour director of the Workplace Health and Safety Agency. Would you like to make any brief comment before we get into questions?

Mr Patrick Ryan: Yes. First off, I'd like to apologize for being hoarse. I've got the flu, so bear with me. I believe the clerk has a copy of a participants' manual that we've developed at the agency on muscular/skeletal injuries. I'd like to just say at the outset that there were 400,000 injuries last year in Ontario alone, and 50% of them were muscular/skeletal injuries. This participants' manual is an extremely important joint venture we've embarked upon at the agency. We're looking forward to some improvements in those figures over the coming years.

Mr Allan K. McLean (Simcoe East): Welcome this morning to the committee. Are you on the executive of OPSEU?

Mr Ryan: I'm not with OPSEU.

Mr McLean: Who are you with?

Mr Ryan: I'm with the Canadian Union of Public Employees, and I'm the president.

Mr McLean: Why would you be interested in this appointment? Are you not busy enough with what you do?

Mr Ryan: I'll tell you, nobody can be too busy when health and safety are concerned. I guess one of the first things I looked at when I became interested in the agency was the mission statement of the agency itself. If I could just have 30 seconds to read it into the record, I think it's

extremely important that we understand what the mission statement of the agency really is.

"The Workplace Health and Safety Agency, a bipartite organization of labour and management, is committed to promoting and enhancing the highest degree of physical, mental and social wellbeing of workers. This will involve empowering the workplace parties to direct their destinies, so that the incidence and consequence of accidents, illnesses and diseases arising out of events and exposures in the workplace can be reduced. The agency will strive to achieve these objectives through joint labour-management leadership and cooperation under the letter and spirit of the Occupational Health and Safety Act of Ontario and will include:

"— the generation of knowledge on health and safety hazards;

"— the development, delivery and administration of education and training programs for the workplace parties;

"— the promotion of occupational health and safety;

"— the development and publication of standards of performance for health and safety;

"— the direction and supervision of funding, and;

"— the encouragement of the bipartite approach for continuous improvement throughout the health and safety network."

Having read that mission statement, clearly I've always had an interest in health and safety, but I have a greater desire to participate in this process because I'm extremely interested in the bipartite process and I sincerely believe it will lead to a dramatic reduction in the injuries in Ontario.

Mr McLean: Have you found Bill 208 to be an asset with regard to occupational health and safety?

Mr Ryan: To be fair to the process, I don't really think Bill 208 has had an opportunity yet to work its way through the system. As you well know, we spent the past two years working at the agency to develop the programs which we believe are going to lead us into a reduction of accidents, deaths and illnesses in the workplace. To answer your question, there's no doubt in my mind that Bill 208 is going to improve the occupational health and safety standards within this province, thereby leading to a massive reduction in injuries in the workplace.

Mr McLean: In your position as head of CUPE, do you not accept the \$275-per-day per diem? Are you aware of it?

Mr Ryan: Am I aware of it? Yes, I am.

Mr McLean: And you'll be accepting it?

Mr Ryan: Of course I'll be accepting it.

Mr McLean: And you think it's right, at the salary you're making, to get an appointment for \$275 a day when

there are people out there who are probably qualified to do the job who are on unemployment and welfare?

Mr Ryan: I thought we were here to talk about occupational health and safety and the agency. I assume you receive a per diem, and I bet you receive your per diem and don't turn it in to the government. I don't really think we're any different in labour than our management counterparts on the same committees. If you really want to talk about the agency—

Mr McLean: Mr Upshaw was here yesterday, and he indicated that he does not accept per diems. That's why I asked you the same question, to find out whether you did or whether you didn't. And I've got my answer.

I observe that the number of assignments in the workplace and the accidents that have been there over the last 10 years have been drastically decreased. Do you think that this board will further decrease accidents and help advance safety in the workplace?

Mr Ryan: I'm not aware of what stats you're looking at, because the ones we looked at show they are on the increase and not on the decrease. Obviously, one of the reasons I decided to participate on the board would be to help drive down the rate of accidents in the workplace. But as I say, I'm really interested in these figures you've got that show they are declining, when we all know they are increasing.

Mr McLean: The Canadian Federation of Independent Business and the Canadian Manufacturers' Association have complained that the compromise has been pushed through with indecent haste. The compromise I'm talking about are some of the changes that were made in Bill 208. Are you aware of those complaints?

Mr Ryan: Yes, I'm aware. Do you want me to comment?

Mr McLean: Are our health and safety representatives adequately trained, do you think, or do they need more training? Are the representatives we have in factories and industry adequately trained, do you think, or do you think they need far more training?

Mr Ryan: I think the reason we passed Bill 208 to begin with was because we clearly needed more training in the workplace. So to answer your question, no, I don't believe at this present moment that the committees we've got operating now in the province are adequately trained. No, I do not.

Mr Gary Carr (Oakville South): I have a couple of questions. As you may be aware, the agency has had some problems regarding working properly. Not to put any blame, there has been some criticism. What do you think you can do to bring together the players and try and get it to work? What skills do you think you can bring, and how we are going to do this to try and make this thing work?

Mr Ryan: I've got a solid commitment to the bipartite process. Prior to becoming the president of CUPE, I spent 17 years in Ontario Hydro. During the last five years with Ontario Hydro, we spent a great deal of time working on the bipartite process, long before Bill 208 was ever passed.

We had, in effect, put in place through our collective agreement a process identical to the Workplace Health and Safety Agency process. I worked in the nuclear industry, and in terms of the accident rate, we had probably the foremost record in the province in terms of accidents per man-hour, and we've never had a fatality in the nuclear industry. I believe it was directly attributable to the bipartite process.

What would I bring to the board? I would bring a commitment to work with the bipartite process. Hopefully, we can get some people we can work with, because clearly we had people in from the CFIB, which was just mentioned a second ago—here we have people who, by the way, agreed to this mission statement I just read out. Over the past two years, we've made something like 200 decisions at the Workplace Health and Safety Agency, and only one of those decisions—that was around the core certification, the training hours—resulted from a vote. Everything else was done by consensus. Here we have a group of people who could not live with the process. One simple vote and they decided to take their ball and go home.

So what I would bring is to say I would certainly not engage in that type of despicable partisan politicking that went on at the board. I would try to bring the two sides together and say, "We agree upon the process. Let's work within the process." I recognize that inside of that process I'm going to be on the losing end of some of the votes, but I certainly won't be taking my ball and going home if I lose.

Where would we be in the Legislature today if you decided that if you lost the vote, which you do on a regular basis now that you're the third party—you cannot afford to take your ball and go home, and that's precisely what these people have done.

Mr Carr: Why do you think we've had this situation? Quite frankly, you just hit the nail on the head of where we're at. How did this happen? You haven't been on the board, but—

Mr Ryan: It was quite simple how it happened. Bill 40 was working its way through the House and we had the CFIB, which is the small business. They were enraged at what was taking place with Bill 40, and they tried bringing in partisan politicking from another issue, a separate issue from health and safety, and imported those problems into the Workplace Health and Safety Agency.

Mr Carr: What is your understanding of how the agency is working, then? Do you see it working well?

Mr Ryan: As I say, if you take a look, there are 200 decisions all made by consensus, and on one decision we had to go to a voting mechanism. I'd say that's an excellent record, and I can see it working well in the future; I think it bodes well for the future. It shows that the bipartite process can work and will work.

Mr Carr: What would you like to see happen? Any changes made? How would you like to see them?

Mr Ryan: The only change I would like to see is to give us some people we can work with on the management side, people who are willing to make a commitment to the process and who will abide by the mission statement and work towards the improvement of health and safety in the

province and forget about the partisan politicking. Let's focus on the workers, the people we're there to represent. Let's look at the public service we're there to provide.

Mr Robert Frankford (Scarborough East): Welcome. I wonder if I could try a very different type of question. Maybe, not being on the agency yet, you're not in a position to answer. I'm a medical doctor. Do you have any comments on the relationship with physicians, who surely are important in reporting accidents, in making recommendations about aspects of improving health and safety?

Mr Ryan: To be quite honest, my own personal feeling on it is that physicians could play a better role in terms of filling out the form 7s. When the employer refuses to fill out the form 7, I think we could have an expedited process whereby the medical doctors could get themselves involved and start that process of filling them out, thereby helping to reduce accidents in the workplace. I don't really have a lot of opinions on where the medical doctors fit into accidents in the workplace, though.

Mr Rosario Marchese (Fort York): Mr Ryan, just as a question, what kinds of accidents are you aware of as a CUPE person? Given that kind of experience, what do you think you can bring in terms of that knowledge to this particular board?

Mr Ryan: I guess I've had a checkered career in terms of witnessing accidents. When I arrived in Canada here—I'm originally from Ireland; I arrived here 18 years ago—I worked in a factory in the east end of Toronto. Within four days of being on the job, I witnessed a man being pulled into a mill and losing his arm right up to the elbow, primarily because the employer had removed the safety trip-wire because he wanted to load more material into the mill; by taking the trip-wire off, it allowed him to do that. Of course, when you remove the trip-wire, there's no safety device in place, so the man lost his arm. So I see what's happening on the industrial side.

I've worked in nuclear power plants, which is a heavily industrialized environment, so I've got a lot of experience dealing with radiation, for example. I've sat on various committees that have dealt with various levels of government on radiation protection.

From a CUPE perspective, because I've been on the executive of CUPE for a number of years, most of their workplaces, schools and hospitals, for example, have serious problems with asbestos, so I've got extensive knowledge in terms of how to deal with asbestos. I've also been the president of CUPE Ontario. I deal with an executive board, so I'm very familiar with dealing with boards, agencies and so on. I think I've got a variety of skills that I bring to the board.

Mr Marchese: What kind of objectives do you have or what aspirations do you bring to this particular agency?

1020

Mr Ryan: I look at those figures, as I said, 400,000 lost-time injuries last year alone, which equates to about 3.4 accidents per minute. I'd have to be honest and say I want to reduce that; I want to see that come down. Ideally,

I want to see that come down to zero, but I'm pragmatic enough to realize it's not going to happen over the next year or two. But we have to work towards a goal of zero. That's primarily my interest.

Mr Marchese: For the record, Mr Ryan, I just wanted to give my opinion on the per diem. We have not often asked people whether they will accept a per diem or not. I find it very interesting that we're asking that question as of yesterday and today to two particular candidates. As a general rule, we haven't asked.

Mr James J. Bradley (St Catharines): Fred Upshaw volunteered that, didn't he?

Mr Marchese: No, he didn't volunteer it. He was asked whether he would take the per diem. But we haven't asked that as a general rule. I just thought for your information and for the record, I should state this.

The Chair: Any additional questions from government members?

Mr Bernard Grandmaître (Ottawa East): Are you still active in the Durham NDP association?

Mr Ryan: No, I'm not.

Mr Grandmaître: When did you retire?

Mr Ryan: I retired when I became the president of CUPE Ontario.

Mr Grandmaître: This was recently?

Mr Ryan: Last night.

Mr Grandmaître: Tell us about your additional studies in partnership between labour and management. What got you interested in additional studies?

Mr Ryan: As you probably well know, Ontario Hydro is going through severe problems right now, primarily relating to the nuclear end of the industry. Their capacity factor has dropped from around 80%, 81%, which was the design feature of the reactors, down to approximately 60%.

Three or four years ago, Ontario Hydro approached CUPE 1000—I was on their executive at the time—wanting to know whether we'd like to get involved in a bipartite process. Essentially it's TQM, total quality management, or continuous quality improvement; there's a host of names it goes by. We had a set of rules and guidelines we had to put in place before we would participate in it. Primarily, that would have to be focused on the employees and the people, with the belief that if you improve the working conditions and the environment that people work in, the spinoff will be an increase in productivity and an increase in quality improvement.

It was an interesting concept and we got into it with Ontario Hydro. I guess we were one of the first in the province to do so. We spent a lot of time travelling the United States and Canada looking at various quality improvement programs. Finally, we're turning that process around in the nuclear industry. The capacity factors are on their way back up again, and I believe it's directly attributable to the closer relationship between management and the union.

Mr Grandmaître: How much time did you spend with the nuclear training centre?

Mr Ryan: That was up in Rolphton. Actually, I spent about 11 months training in that facility, but the nuclear training program is a continuous training program. I've spent 17 years in nuclear, and I was essentially in training for the full 17 years. You never really get out of training in the nuclear industry.

Mr Grandmaître: Mr Upshaw was telling us that what's missing right now is the development of programs to better inform people about health and safety. How can we improve these programs? I'm talking about training programs, training people.

Mr Ryan: I think yesterday you were given a copy of the core certification training program, which is the principal training program we have right now.

Mr Grandmaître: But Mr Upshaw told us yesterday that this was one of his biggest problems, that these programs were taking too long to develop on the training of people. I asked him if it was lack of money. He said: "No, it's not a lack of money. It's putting these programs together."

Since Bill 208, one of your responsibilities—I shouldn't say your responsibility. What Bill 208 did was to give people an opportunity to be trained to prevent accidents in the workplace. Tell us about the development of these programs.

Mr Ryan: As you know, I wasn't there during its development; I'm just coming on to the board of the agency. But my knowledge of it to date is that we're looking at three levels of core certification training, based on the hazard level within your workplace. If you work in a fairly benign health and safety environment, such as a shoe store, for example, it's envisioned that you'll receive 40 hours of basic health and safety training, which essentially would help you to identify hazards within your own workplace. In a shoe store, I guess you would be interested in the quality of air. Perhaps you might be interested in whether there's any asbestos fibres in the ceiling tiles. You might be interested in tripping hazards and so on. So it's fairly broad-based health and safety training.

If you work in an environment such as hospitals or the mining industry, where the hazards are a lot more complicated, we've designed a training program that's 120 hours, plus some specific training for the workplace, keeping in mind that we can't ask them up for a training program that's going to encompass all of the workplaces. So you look at the mining industry and say: "You're going to get 120 hours of intensive training, because you've got rotating equipment, for example. You go underground where there are hazards with gases and so on." But in addition, there would be some hazards which are unique to the mining industry or unique to the nuclear industry, for example, so we'd have to come up with some workplace-specific training. I think what we're trying to do is customize the training to each individual workplace as best we possibly can.

Mr Grandmaître: What do you think of the partnership between management and labour in establishing these programs? Is management uptight about this or are they doing it willingly?

Mr Ryan: From my experience of it, no, they're not uptight about it. As a matter of fact, I think they're relishing the thought of being able to get in and sit down and work in a partnership with labour. We talk a lot about partnerships these days, but I truly believe that health and safety is one area where we can get into a partnership without the adversarial roles that we normally bring to the collective bargaining tables. Health and safety really should be devoid of partisan politicking and I think it should be devoid of this adversarial relationship we've built up. I think it's a prime area where we can build good partnerships and use it as an example for the rest of the province.

Mr Bradley: As my colleague has mentioned, you were the president of the NDP Durham Centre riding association from 1989 to 1992, and this leads to the other work that you've been involved in, the nuclear industry. I was reading a story this morning by someone who could never be accused of being pro-nuclear, Martin Mittelstaedt of the *Globe and Mail*, who talks about some problems in the industry. Do you believe, having been a member of the New Democratic Party, whose policy it was not to have nuclear generating stations, that those generating stations should now be closed?

Mr Ryan: Well, for starters, I think you're misreading the policy of the NDP on nuclear stations.

Mr Bradley: Well, it's changed, I know.

Mr Ryan: It hasn't changed. But let me tell you something about the NDP and nuclear power. In 1992, we were the only union in the province to take to our membership, 20,000 members across the province—we brought to each individual member the opportunity to vote on whether or not they'd like to affiliate with the NDP, and that's even with the NDP's supposed policy of closing down nuclear power plants, and they voted in favour of affiliating with the NDP.

So I have no problem whatsoever reconciling the fact that I was the president of the NDP riding association and that I worked in a nuclear power plant for 17 years. Nor do the members, by the way, who I represent have any problems with it. I don't know if that answers your question or not, but that's a fact of life.

Mr Bradley: The question was, do you believe that the nuclear generating stations should be closed in Ontario?

Mr Ryan: Do I believe it? Absolutely not. No. I think it's the cheapest, most benign way of generating electricity in this province.

Mr Bradley: Do you foresee having to deal on this board with matters related to safety at these plants, in light of the continuing discussions—let's put it that way—public discussions of safety at the various nuclear plants and the calls for the closing of those plants as a result?

1030

Mr Ryan: Wait a second. I think you're misrepresenting the reasons for calling for the closing of the plants. It's got nothing to do with the safety environment in the plants; it's got everything to do with the generating capacity

factors. There is no question about the safety of our nuclear power industry, none whatsoever.

Mr Bradley: Except that the lead of the story this morning says, "Canada's nuclear regulatory agency and Ontario Hydro have discovered potentially serious design flaws that could affect the majority of the province's atomic reactors, including the nearly completed \$14-billion Darlington generating station," and it talks about flaws that exist there. If those flaws indeed do exist, would you support the closing of the plants?

Mr Ryan: But, Jim, wait a second. You're reading something there that—first off, you prefaced your statements by saying that this individual you're reading from is not a supporter of nuclear energy to begin with.

Mr Bradley: He's an independent reporter, though.

Mr Ryan: The second thing, if there's a design flaw, it does not indicate by any stretch of the imagination that the design flaw is going to lead to a health and safety problem. It's talking about the design flaw as regards the reactors, perhaps, and the inability of the reactors to stay on line. It is not suggesting for one second that there's a safety problem there.

Mr Bradley: If there were any hint that there could be a problem existing, that these problems could in some way affect the health and safety of the employees, would you support the closing of the nuclear generating stations in Ontario?

Mr Ryan: I would support the fixing of the problem. Every time you've got a health and safety problem, it doesn't mean you close down the factory. Would you support shutting down General Motors if we found we had a problem on the production line?

The Chair: Mr Ryan, thanks. That concludes your appearance here this morning. I appreciate your coming in.

REBECCA F. JAMIESON

The Chair: Our next witness is Rebecca Jamieson. Good morning. Just take a seat. Ms Jamieson is an intended appointee as a member of the Ontario Institute for Studies in Education. Would you like to say something briefly before we get into questions, or move right into questions?

Ms Rebecca F. Jamieson: Right into questions.

The Chair: Okay. You were selected for review by the government party. Mr Marchese's going to lead off.

Mr Marchese: I have some questions about your appointment to the institute. I want to ask you some questions about native studies in particular, because it's the field that I think you worked in for quite some time. Can you tell us a bit about some of the work you have done in terms of curriculum writing or, before you get to curriculum writing, talk to us about what's lacking in the curriculum in Ontario at the moment in terms of how native students are reflected or not reflected? With your knowledge, I think you'd be able to tell us a few things about some of the problems you may have uncovered over the years.

Ms Jamieson: At all levels of education? Would you like me to go over that?

Mr Marchese: I suspect that the problems are at all levels of education.

Ms Jamieson: There is a basic theme, and there have been efforts made to make the curriculum more inclusionary and more reinforcing of the aboriginal students who attend, wherever they attend.

Just briefly, to give you a summary, there has been a move towards native-studies-specific courses certainly at the secondary level and in public school boards. I'm not familiar with separate school boards, exactly. Also, at the university and college levels there are aboriginal-specific programs. That's one effort that's being made, and now there's a lot of discussion going on about having the across-the-board curriculum being more inclusionary of looking at aboriginal peoples' contribution in certain areas such as science, in the area of biology, looking at traditional medicines, that sort of thing. Certainly, at one of the universities near my home the faculty of health sciences is looking at doing that.

That's what's happening as a general trend across the province; this seems to be happening. Linking that with my own personal experience, I've worked in my community in developing the education system all of my professional career. We do follow the program of study for the province of Ontario, but it has always been amended to reinforce and support the culture of the community.

In some instances, it hasn't been done as well as we would like, and we're working on that. In our community, we are now looking at moving from a federally run elementary education system to a community-controlled education system, which is part of an overall national trend in terms of aboriginal education. In that work, we work a lot with local boards and also universities, colleges and institutes like the Ontario Institute for Studies in Education.

Mr Marchese: Rebecca, one of the problems that I know exists in the educational systems across Ontario is that we still have books that stereotype native people and haven't weeded that kind of stuff out. There are still students going to the libraries and taking books that have antiquated views of aboriginal people. Is that your experience? If that is the case, what are boards doing across Ontario to deal with it?

Ms Jamieson: It has been my experience that this occurs; not as much as it used to, thank goodness. I think a general awareness has started to rise, but now that we have things like the anti-racism policy, it's affecting the actions of boards, not just with respect to aboriginal peoples but all peoples, races and culture. Boards are much more aware now and they're reviewing their documents and that sort of thing. It hasn't filtered into the more proactive level of curriculum modification fully, but that's coming.

I must point out that the majority of aboriginal students in Ontario at the elementary and secondary levels attend provincial schools. That's a very important factor. There's the official position on anti-racism, which then filters into curriculum, which then filters into the kinds of materials

you present students and how you present it, whether they're aboriginal or not.

Mr Marchese: As you work on curriculum development, do you work very closely with the Chiefs of Ontario?

Ms Jamieson: The Chiefs of Ontario doesn't do curriculum development, but through that office we have a network of aboriginal educators from all the aboriginal territorial organizations. We review the concepts of curriculum that we see as supportive for our territories. We share information that way. It's not a very formalized network yet. We're trying to get it up and working, but there certainly is a province-wide network now for doing that, because we're also getting a lot of requests from boards of education. Because they want to be able to make some changes, they're coming to us in our organizations and territories and asking: "Can you help us? Can you give us information?" We're trying to pool that information so we can do that.

Mr Marchese: There have been some cuts to the transfer payments to OISE.

Mr Bradley: In an NDP government? I don't believe it.

Mr Marchese: How do you manage that problem? Given that, what would you fight to keep? Do you have any priorities in terms of what you think should be maintained and what should be dropped from the curriculum?

Ms Jamieson: One of the institute's primary roles, from my personal perspective and my experience in education, is the research it does and the field sites it has. They are the only institute with graduate services, and it's looked to by all boards, to my knowledge, and communities like mine, aboriginal communities, as the place where you can go and get the most up-to-date information, the most up-to-date research, and where you can link up with experts if you're doing a new initiative in your community.

For example, in our community, when we initiated immersion in our languages, it was to OISE that we turned for assistance in evaluation of those programs. Those would be my priorities, in terms of my personal experience where I'm working from an education, particularly in this whole multicultural situation we're looking at, speaking personally from an aboriginal perspective and how it's affected me. But I'm sure that with the province as multicultural as it is, and certainly the city of Toronto, we're only just really, as I can see it, getting a handle with this type of research on how to even begin to deal with the situation we're in now.

1040

Mr Bradley: I'm glad that the question on funding has already been asked by the government member. It was a pre-emptive strike, because I was going to ask you that question. There's always been a concern about the funding of OISE. Let me ask you a question about the very existence of OISE. There have been individuals and perhaps even groups over the years who have questioned the very need for OISE to exist, and there have been some public

battles where OISE has been able to gather influential public opinion and newspaper support for the position of the continuation of OISE. How do you answer those who say that we could get along without it? Because as I read today's news clippings, the Treasurer is going to be looking for many ways of trimming government expenditures because of the deficit situation, and there isn't a Treasurer in the province of Ontario of any political ilk who will not look at the existence of OISE. How do we counter that argument, those of us who may believe that OISE is worth saving?

Ms Jamieson: It goes back, as far as I'm concerned, to what OISE is. Do we look at it as a structure with a staff, like an institutional thing, or do we look at it as a service and programs? Certainly, in times of restraint it's hitting everyone, all institutions. We have to look at doing things differently, and that's what I would look at, trying to maintain the research function or perhaps doing it in different ways; for an example, doing more collaborative research with communities and boards, rather than having a massive structure of people who just do that, and then they become criticized in terms of being isolated and so forth. I think if we're going to look to rationalize services, like public service and public programs—and we need research in the education area—we have to do it from a collaborative approach, and then you have more partners involved in it.

That would be my initial response to people who feel that perhaps we should get away from it, because I don't really believe we can afford within the province of Ontario to have multiple institutions doing the same research and the duplication. It's unwise economically and it's unsound in terms of policy formation and all that sort of thing.

Mr Bradley: There are a couple of issues that arise that are fairly prominent in education. I'm not necessarily saying they're the most important issues, but they arise publicly. One is that of the dropout rate in the province, which is exceedingly high, although I think if people look at what it was a number of years ago and what the education system is today, as compared to what it was years ago, they might not be quite so alarmed at the figures. That is one. The second is participation in the international test of math and science. The government position, at least with the previous minister, was that the province of Ontario would not participate in the 1995 international test of math and science. Do you believe that indeed the province should have its students participate in that, or is that not necessary?

Ms Jamieson: I believe some standard of comparison is necessary in terms of the global picture of economic competitiveness and all that: Are we spending our moneys publicly on education and getting returns? I think that's important, but I also understand and I would also have the same caution of making sure that I participated and whoever is going to make the decision participated in looking at the actual tools that are going to be used, to make certain that the tools are not biased for the people who are being assessed. That's my understanding of the concern. I know we had that concern in the aboriginal community and we

asked to participate in the review of those particular documents for that very reason.

Ontario in particular is so multicultural, whereas if you look at some other countries, they may not have the same considerations to take into account. It was a massive project, and that was our concern, that we do need some benchmarks, some way of getting some handle in terms of public accountability: Are we getting part of the results we say we want; that is, people with the skills to be able to be employed etc? But let's make sure we're assessing it with the appropriate tools and not misidentifying problems.

Mr Bradley: There is a bias, I think would most people would concede—if you disagree, you'll certainly say so—towards an academic education, if I can use that terminology. In Ontario, most people want their children to be something where they don't have to work with their hands. Unfortunately, the jobs where one has to work with his or her hands are considered, in the minds of many parents, to be lower-echelon jobs, unlike some other countries, where they're considered to be certainly significant. Do you have any ideas on how that might be turned around, so we can have parents who don't insist, when they go to the school, that their children, heaven forbid, are becoming lawyers or something of that nature but are prepared to be people working with their hands, even though that's changing in our society as well?

Ms Jamieson: Certainly, the economy is changing it for us in part, and people's attitudes are changing as a result of that. With more awareness at the broad community and broad public level of the change of job market, the move towards technology, I think that will help, and more effort, perhaps, in that area. I know even at the school board levels and in our community, which is not a provincial school board, we work on that and try to get away from what we view to be a class-oriented view of jobs; we feel that all people contribute. So it's going back to the collective joint responsibility, and we try to stress that.

Certainly things like the destreaming that's going to be implemented is a way of getting at that, although there's much resistance, as you are aware, to destreaming. I think the economy in itself is going to impact on changing people's attitudes. The economic reality is that not everyone can have a job where they don't get dirty.

Mr Bradley: Do I have time for a further question?

The Chair: Yes, you do.

Mr Bradley: There is an effort being made, and there has been for some time, to encourage and provide for individuals who in years gone by would have been at a disadvantage in gaining admittance to a post-secondary education in particular, and some universities have developed a policy where disabled individuals and native Canadians, for instance, and others would have an opportunity to gain admittance without necessarily achieving the highest marks of people coming into the stream.

People such as the member for St Catharines get telephone calls at our office that aren't very nice—let me put it that way—about that policy. Would you comment on that policy as to its advantages and disadvantages, or what your

views might be on it? Help me to be able to answer my constituents when they phone.

Ms Jamieson: I certainly understand what you're saying, because I'm involved in initiatives in teacher training and teacher education. There are a number of faculties of education which have set targets for seats for aboriginal admissions, and I'm very well aware of non-aboriginal students feeling that they have been personally disadvantaged because of this. The only approach we have taken in terms of responding to situations like that is that if education is a public system, then it must reflect the people it's serving.

One of the ways that can be done is that you have to have role models present. We won't achieve proportionate for quite some time, but that's a fundamental way of driving the hidden curriculum in the school system. Although we don't like to have to do targets, this is a way of trying to change the system: get the role models there so students can see their role models. It's been clearly shown in education research that this has a dramatic impact. Out of that come the spinoffs on economics and so on, if you can maintain and retain aboriginal students in school. One of those strategies is to have aboriginal role models by having them as classroom teachers or a school principal or an education administrator.

This is something that has to be done in terms of getting the best results for the entire public system in the long term, not just education, but economically, socially, everything. To try to explain that to an irate mother when she calls in, that it takes some time—but we get it even in my community.

1050

The Chair: We have to move on.

Mr Carr: Mr Bradley touched on some of the problems in education: the dropout rate and so on. I was at the opening of the Sheridan College Skills Training Centre with the parliamentary assistant; we went on a tour of the facility. We've pumped a lot of money in there. Sheridan College says, "One of the problems we've got is that the kids who come in here don't even have the basic math skills and reading and writing skills to work these machines, because they're so high-tech." We're spending all this money and even the new minister, Mr Cooke, on Focus Ontario—I don't know if he used the word "crisis" or not, but he said we have some major problems in education. In your estimation, what's the problem with our education system in the province of Ontario?

Ms Jamieson: I believe that with the changes in society that have happened over the last 30 years, the role of education has changed dramatically. It has been expected to be the cure-all and the be-all and end-all for things that perhaps it wasn't 30 years ago. It's becoming very much a social support agency, and all of these things are having an impact on what you're saying: basic skills, reading and writing skills, thinking skills, problem-solving skills.

I believe there needs to be a lot more coordination between all of the types of public services we have—education, social services and so forth—so that we can better get the job done for these students. A lot of times, classroom

teachers are not just trying to teach, they're also counselling, sometimes they're surrogate parents, all those sorts of things. It's unrealistic to expect that they can do the same academic job that was done 30 years ago when in fact they're being given five or six other jobs to do at the same time, when there are resources out there but they're not being linked. This is what's lacking, in my opinion.

Mr Carr: You don't have any political affiliations?

Ms Jamieson: No, I don't.

Mr Carr: And you're not related to the Ombudsman, are you, in any way?

Ms Jamieson: She's my sister-in-law.

Mr Carr: Okay. With regard to the situation right now in Ontario, I'm getting more and more calls from people wanting to put their kids in private schools; that's on the rise. We understand the problems, and I think you hit the problem right on the head, that we've tried to say to teachers, "You're going to solve all the problems." Any time there's a behavioural problem, we say, "The teacher will handle it." There's been a lot of abdication of responsibility by parents. Knowing that, we still seem to be lumping more and more programs on them that basically take away from teaching basic skills. How are we going to change it so that we give the kids the basic skills? Where do you see that the problem lies in the system? Is it because parents aren't pressuring politicians? Is it because of the teachers, the school boards? Where is the problem within the system, in your estimation? It's a million-dollar question. If you can solve that, we'll make you Minister of Education or something.

Ms Jamieson: If I could solve that, I'd be the Minister of Education. That's right.

I don't want to give the impression, first of all, that I'm saying everything should be disregarded for basic skills. That's unrealistic. Teaching reading, writing, arithmetic and the fourth one, respect, is perhaps where we can begin, but I don't believe it can be done until we can find some way to network all of the community support agencies together, first of all, as I mentioned earlier, then teachers and the whole education sector—and I believe it's beginning to happen.

Education sort of goes through the swing of the pendulum in terms of how to do it and what we're supposed to be doing in education. If we have a clear sense as instructors and as curriculum planners of the academic skills we want to teach—and we track those very, very well—then, in spite of what else we're doing, if we have that very concise or very concrete system of tracking the development of skills with our children, we at least know where we are on that level. It's a multilevel activity, but at least we know where we are on that.

That used to be the primary activity we were there for, but a lot of times—I'll give you an example. The latest major swing was when we went from the basics to the whole language approach and instruction of reading and language. Where we missed the boat in some cases was that we didn't keep information and tools with us on how to track student development, and thus came the problem with accountability to parents. Children were getting

lovely report cards, but they couldn't read, that sort of thing. So we need to have very concise tools tied to what our responsibilities are. That helps, and those are being developed now. The Benchmarks thing is the best thing that's happened, as far as I'm concerned.

Mr Carr: There's another problem. I had a trustee come to see me—I think even Derek was a school board trustee—who was very frustrated. He'd been a trustee since the last election. He said: "I realize now that we really have very little control, and I got into it because I wanted to make an impact on education." I know there are some people saying we should get rid of school boards because of what happened in Scarborough, but there's some other feeling that we should be giving more power to local school boards, empowering them to make the decisions. Basically that's what this chap was saying: "The trustees just rubber-stamp budgets and we don't even control it."

What is your feeling in terms of education? Do you think we would be getting better results—because we've identified the problem; I agree with you on the problems—if, instead of the big bureaucracy at the Ministry of Education running a lot of it, we empowered the local communities and the local school boards with more power? Do you think we would get any better results than we're getting now? Derek says no.

Ms Jamieson: Well, I can give you my opinion from my experience and from the work I'm doing in my territory at Six Nations. We're looking at a very participatory model in terms of what you would call a school board structure, and then the staff involved in it. We anticipate that we will have parents involved in the curriculum development committees and so forth. I don't believe that a body like a school board can make decisions about curriculum unless they have the experience in area and they know what they're making a decision about. Otherwise, it becomes a decision based on dollars and cents, and then it just sets up a reaction system between the educators and the trustees.

Mr Carr: But that comes across as sort of an elitist attitude, that as a parent, I can't decide what my kids need in terms of education because there's somebody who's an educator who knows better. I know you don't mean it to come across that way, but you can see how parents are saying, "The decisions are being made by these bureaucrats"—the terms they use for them—"all these people who know a lot about education, but it's not working at the grass roots." Can you see where the problem is, the frustration of the parents? They are saying, "We'd like to be involved in curriculum," and I think somebody like—let's take Derek as an example, as a parent who got on the school board for education and probably didn't have a degree in education, but can be a part of deciding what the curriculum is.

You're saying you don't think there should be centralized decisions on the curriculum, then.

Ms Jamieson: No. I'm saying quite the opposite. I was talking at the school board level, with the school board and education staff at the school-community level. What I was trying to get across is that there has to be joint

information and joint decision-making and joint development of things.

Maybe where I missed your question was that—I think you were getting at things like a ministry decision to implement junior kindergarten, and then it comes to the school board level, and a mandated time period as to when it's going to happen and all the economic impacts that has at the school board level.

I guess it goes back to your view of government and the role of government, trying to provide for the majority, the overall benefit and welfare of society. I think there has to be some flexibility. I would like to see perhaps a little bit more, certainly because of the way the structure of the financing goes right now and how it has changed. I strongly believe that parents need to be able to make informed decisions, but in effect, like with the JK issue, the decision was taken away.

I know that in our community, with the JK issue, we looked at it and said: "This is what is being said over here. Parents, the choice is yours." Out of the potentially 100 students, there will be 50, for various reasons, economic but also child development reasons and so on, who have made their choice that they don't want their children in school that young. So that's how we've dealt with it. Mind you, we don't have to follow provincial legislation, so we had that freedom.

The Chair: That concludes your appearance, Ms Jamieson. Thank you very much for attending. We wish you well.

Ms Jamieson: Thank you.

1100

DORIS M. SCHWAR

The Chair: The next witness on the agenda is Debbe Crandall. She has not yet arrived. But our witness scheduled for 11:30, Doris Schwar, has arrived a little early, and we appreciate that. Ms Schwar, would you like to come forward and have a seat? Good morning and welcome to the committee. Ms Schwar is an intended appointee as a member of the Ontario Land Corp. Would you like to make any brief remarks before we get into questions?

Ms Doris M. Schwar: No. I'm just delighted to be here. The snowstorm wasn't as bad as I thought it was.

The Chair: I'll ask Mr Grandmaître to begin the questions.

Mr Grandmaître: Tell us how familiar you are with the Ontario Land Corp.

Ms Schwar: I'm not very familiar with the Ontario Land Corp. I do know that Ontario has had a policy of land banking for at least 25 years, and that was in anticipation of the need for housing at a later stage during a period of rapid economic growth and population growth in the late 1960s. At the present time, the Ontario Land Corp has some fairly major land holdings, and I believe it's the intent to administer and possibly to sell some of those lands.

Mr Grandmaître: How familiar are you with the creation of a new corporation which is called the Ontario Realty Corp? How familiar are you with this new corporation?

Ms Schwar: I am not familiar with that new corporation.

Mr Grandmaître: So you can't tell me if it's duplication, if those two corporations are duplicating that work?

Ms Schwar: No, I'm sorry; I can't tell you. I don't know what the role is of the Ontario Realty Corp.

Mr Grandmaître: We'd like to know more about the Ontario Realty Corp; I thought you could fill us in. As far as I'm concerned, what we're continuing to do—as you rightly pointed out, it was created back in 1974. It died in 1986 and now it's being revived, and the Premier has recently announced the creation of another corporation called the Ontario Realty Corp. I wanted you to tell us the real difference between these two corporations, and you can't tell me.

Ms Schwar: No. I'm sorry.

Mr Grandmaître: If you do know of anybody who knows the difference between the two, I'd like to meet with him or her, because I think it's duplication. I think the Ontario Land Corp did its job back in the 1970s and 1980s and could easily be replaced by the new Ontario Realty Corp. Those are my thoughts, anyway.

How familiar are you with the John Sewell commission?

Ms Schwar: I'm familiar with the work the John Sewell commission has been doing in northern Ontario. Specifically, they have been looking at rationalizing the planning system for unorganized areas. I believe they have made fairly substantial progress in that area and have achieved fairly substantial consensus from unorganized areas, which until now had really been left out of the formal planning process.

Mr Grandmaître: John Sewell appeared before this committee, and I was surprised to hear him say that he had not met with the Ontario Land Corp, because it does play, or will be playing, a major role not only in planning but in conservation and protecting. I was surprised that he had no meeting with your corporation.

Ms Schwar: I'm not a member of the corporation at this particular time. The corporation, as I'm aware, has only just been formed and has only just now planned its first meeting. So I believe there has not really been an opportunity to meet with the board.

Mr Grandmaître: Tell us why you were chosen to sit on that corporation.

Ms Schwar: I believe I was chosen because I have a fairly strong background in planning and development. I have worked in planning and development for the last six years, I have done studies on land use and planning in the Toronto area previous to that, and I have some formal academic training in the area as well.

Mr Grandmaître: But you are familiar with the Ontario Land Corporation Act, though.

Ms Schwar: I am somewhat familiar with the Ontario Land Corp, yes.

Mr Grandmaître: With this new mandate, do you think the Ontario Land Corp will be an asset to John Sewell or an asset to this government?

Ms Schwar: I believe that the Ontario Land Corp's major role will be one of streamlining government processes and perhaps taking a more businesslike approach to the whole question of development. Without being critical, I know it can take a very long time to build a government project. I have seen some that have taken as long as four years. That was the process when I was working in it. I think there are a number of areas in which there can be streamlining, in which the approach can be made more businesslike, and I believe that the Ontario Land Corp can bring that kind of attitude and approach to the handling of Ontario lands.

Mr Bradley: I have two issues I'd like to deal with. I always have a short time to do it. The establishment of a water and sewer corporation has been announced by the government of Ontario. When that was suggested by the previous Treasurer, my friends in the present government were horrified by it and thought it would simply be a pro-development tool on the part of government, but now that it's being done by this government, I guess it isn't.

The second issue is Project X. When I was Minister of the Environment, I stopped the Ministry of Treasury and Economics and the Ministry of Municipal Affairs from stealing certain powers and regulations from the Ministry of the Environment. Today that is being done. As a member of this board, will you be a bulwark against the people who would like to develop every last centimetre of the province of Ontario?

Ms Schwar: I don't know whether you've had the opportunity to look at my résumé.

Mr Bradley: Yes, I have.

Ms Schwar: I am concerned about three particular things: One is social housing, which is one of my very strong interests; another is the environment; finally, I do believe in development. I think any development that takes place has to take all of those three factors into consideration. I would certainly want to make sure that all of those factors are taken into the consideration of anything that is developed on public lands.

Mr Bradley: So you don't bring an anti-development bias to the board?

Ms Schwar: I do not have an anti-development bias. On the contrary, I have developed about 50 projects in north-eastern Ontario. But I do believe that they have to be developed in a very responsible way and in an environmentally sensitive way.

Mr Bradley: There is growth taking place in and around Metropolitan Toronto. It's estimated that we will go to six million people in Metropolitan Toronto at some time. The crunch will come. We have someone from the Oak Ridges moraine; the save the Oak Ridges Moraine people will be in next. How do we prevent Toronto from simply moving out and out and out, which almost inevitably it will do? If we're talking six million people, it's going to be mighty difficult to put the six million people straight up.

Ms Schwar: I think that development processes can be rationalized. Over the past two decades, the type of

housing that has been built in and around the city of Toronto has been extremely generous, 3,000 square feet and four bathrooms and this kind of thing, which is also terribly inefficient in terms of infrastructure development. In other words, it uses a lot of infrastructural resources, a lot of sewer line, a lot of water line and a lot of hydro in order to service those houses.

I think we can build more efficiently. I think we have built more efficiently in the past with, for instance, back lanes and access, longer lots and narrower streets basically. Those possibilities are things I think we're going to have to look at, but on the other hand I know there is no great rush to move to areas like Sudbury.

1110

Mr Bradley: How unfortunate for those of who were born there. We know how nice it is.

Ms Schwar: I think it's wonderful. I love living there, but the simple fact is that the development is likely to take place in and around Metropolitan Toronto, as it will all throughout North America. The development of the megapolopolis is one of the real factors of life. I've driven through New Jersey and it's been three, four, five hours of solid subdivision. I think that's probably something that is going to be happening, but I think we have to take into consideration how little good farm land we have. I think we have to take into consideration how many environmentally sensitive areas we have and what kind of social environment we want to create for the six million people who will probably be living here.

The Chair: I'll stop you right there, Ms Schwar. We'll have to move on to Mr McLean.

Mr McLean: It was interesting to hear your comments with regard to housing. The Premier indicates that the Ontario Land Corp is valued at about \$400 million. They want to apply the profits to pay down the provincial debt. Your interest, I believe, is probably in more housing, that if those lands are sold they're to be sold to build housing for people?

Ms Schwar: Certainly housing, as far as I'm concerned, is a prime issue. I realize at the same time that people need to work somewhere, that people need to have some way of making a living in order to pay for whatever housing they're paying for. I understand. Again, I strongly believe in balance.

Mr McLean: We have a strong co-op housing movement in Ontario. I find that the one- and two-bedrooms always are rented first and the three-bedrooms are left there sitting for months and perhaps years not being rented. I find it difficult to understand why we continue to build as many three-bedrooms as we do. I often thought that some day, instead of building housing, maybe we should subsidize the individual who's in need to be able to rent wherever he wants. What do you think of a proposal such as that?

Ms Schwar: I'm not very comfortable with that, because I think that really imposes no limits on the rents that can be charged and no actual limits on the extent to which we can inflate housing prices or feel we can afford

to inflate housing prices. I think somewhere along the line we have to develop responsibly, and that is best done through this type of housing program.

I'm surprised that you mention empty three-bedroom units, because all units that are built through the co-op and non-profit housing sector have to prove need. In other words, they have to indicate that there is a need for three-bedroom units. On the other hand, I think the co-op sector and the non-profit sector have to realize that there is a great demographic shift towards smaller and smaller family units and there's probably going to be an increasing need for one-bedroom units and single individuals.

Mr McLean: We see that all the time. To follow up on that, if there's a great vacancy rate, that would stop the increase in rents you referred to. You said you didn't agree with the proposal of a person who's in need having the government subsidize him. Wouldn't the availability of accommodation dictate what the rents would be?

Ms Schwar: Oh, certainly. Yes, but a higher vacancy rate, somewhere around 5%, is far off in the future. I'm not really familiar with the latest statistics in Metropolitan Toronto, but I know in Sudbury it's 0.2%.

Mr McLean: By 1994, when the housing units that are on stream will be built, it's indicated that there will be \$1 billion a year subsidizing the apartments in Ontario, almost \$1,000 per unit per month.

Ms Schwar: I appreciate your concern about the high cost of subsidizing the units. It is a concern of mine, and I think that definitely there have to be other options explored as well.

In northern Ontario, for instance, one of the major housing difficulties, and perhaps to some extent here, is the aging condition of the housing. It's not so much the availability of the units. In other words, some kind of stimulus program to assist home owners to create rental units and to maintain rental units would probably be a very healthy approach as well. But I'm not suggesting one to the exclusion of the other.

Mr McLean: I guess the problem I have with some of it is the fact that not long ago I had a constituent who was driving a Porsche who came in and wanted to move his parents into subsidized housing. That bothers me a little.

Ms Schwar: All people who want to move into subsidized housing are subject to means tests. If we want to go so far as to say that we should be looking at giving means tests to their children as well, possibly that might be a route to go, but I don't know how acceptable that would be to the people in Ontario.

Mr McLean: How long have you lived in Sudbury now?

Ms Schwar: Going on almost six years.

Mr McLean: I see you were involved as the research coordinator for Save the Rouge Valley System some time ago.

Ms Schwar: Yes, I was.

Mr McLean: I would anticipate that you would be quite pleased with the announcement that was made not too long ago.

Ms Schwar: I'm extremely pleased.

Mr McLean: I think most Ontarians are, because years ago that was set aside for a park.

The other question I have is with regard to the corporation being empowered to borrow money. What limits would you think the corporation should have put on that it is allowed to borrow?

Ms Schwar: I would think the land would have to be valued by competent appraisers, and I am quite able, I think, to judge a competent appraisal, because I've looked at many of them. I would certainly say the equity should be in line with the land and not over and above that.

Mr McLean: Why did you want to be on this board?

Ms Schwar: Actually, I was asked. I hadn't thought about this board, but I'm pleased to serve when I'm asked to contribute.

Mr McLean: Who asked you to serve?

Ms Schwar: Someone in Northern Development.

Mr McLean: Shelley's office?

Ms Schwar: Yes.

Mr Carr: Which Shelley?

Ms Schwar: Shelley Martel.

Mr Carr: Oh, Martel.

I just have one quick question. With your background coming into this—I appreciate you're not too familiar with the corporation and how it would operate and get going, but what do you see as being your greatest strengths to bring to the job?

Ms Schwar: My personal strengths? Primarily, I think my understanding of the development process and my understanding of how government approvals operate: from site plan approvals to building permits, zoning, rezoning, official plan amendments, the awarding of construction contracts, the different development options, from turnkey to public tender. All of those processes are things that I have worked with for the past six years.

Mr Carr: You're familiar that the auditor this year, to put it mildly, was very critical of the process. Basically, contrary to what you said, they rubber-stamp things. We are building non-profit housing in Kitchener where there is space. In other words, we're putting units out; we're not matching them up. Supposedly we're supposed to have a needs analysis done, but they aren't listening to them. The consultants are pushing things through.

Knowing that, how would you say the process—this isn't me saying this; this is the auditor saying that. An independent audit was scathing on non-profit housing. If you read page 125 to 136 of the auditor's report, and if you can tell me after that we should be in non-profit housing, there's something wrong. What would you do to make some of the changes? I'm talking specifically in non-profit housing.

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Ms Schwar: Specifically with respect to non-profit housing, I assume that the auditor's reference was to southern Ontario. I'm familiar with what's happening in northeastern Ontario.

Mr Carr: The central region was the worst.

Ms Schwar: Northeastern Ontario, I believe, is run extremely efficiently, except that the process itself is longer than I believe is necessary. In other words, instead of four phases of submission, it could be two phases of submissions of proposals, for technical review and administrative review, in my opinion. That kind of thing would streamline the process and dramatically cut the cost of development, because with every year that a project is delayed, it rises in costs.

Mr Carr: A lot of the people pushing these through, the consultants, have made a tremendous amount of money. I don't want to talk about you, because that wouldn't be fair, but looking across the province, from what you know, are there a lot of people making money consulting, getting these non-profit housing units through?

Ms Schwar: I just want to state that I'm not developing non-profit housing at this time. I'm working for myself, but this is not a type of development I do.

Mr Carr: You obviously shouldn't be, if you're doing this. But people are making good money right now consulting.

Ms Schwar: I believe that has been very profitable for the past 10 years or so.

Mr Carr: Because you know what the developers are saying now. You look at the fees—this is what the auditor said—and we're rubber-stamping them. The architects are charging more. The lawyers are charging more. The auditor said the consultants were basing on the total cost rather than the time, and the amount the auditor threw out was just astronomical. Is there anything we can do to stop the abuse so more money, regardless of whether you believe in it, goes to the people and not the darn consultants?

The Chair: Sorry, you won't have time to respond to that. Mr Frankford.

Mr Frankford: I look at your list of publications with interest. Some of them certainly refer to my area in Scarborough; they're actually in the riding, so I would be very interested in seeing them, and I'll request them from the library.

Is it your understanding with Ontario housing projects that the land they're on will become transferred to the land corporation?

Ms Schwar: No, my understanding is that some of the lands which are now vacant and are part of the land portfolio of the Ontario Land Corp will be made available for development to private developers, to non-profit developers, basically for a mixed-use purpose.

Mr Frankford: An Ontario housing building, the land it's on—

Ms Schwar: It's not my understanding that that kind of thing will be taking place, but my understanding is limited. I understood that it was just the land banks which are in existence.

Mr David Pond: The idea, according to what the Premier said last Tuesday, is that whatever land the government now owns which is "surplus land" to the government's current needs—the Premier said the current market value is about \$400 million—will be sold to this

corporation by the Treasurer, essentially. The corporation will pay for it with borrowed money. The corporation will develop the lands, make sure they're serviced and sell them for a profit, subject to provincial policy—provincial housing policies, for example. The profits they earn will, first of all, pay off their borrowing and then be turned back over to the Treasurer to pay down the deficit.

While I have the floor, I'll ruthlessly exploit it to respond to something Mr Grandmaître said. Next year, April 1994, according to the Premier, the land corporation will be rolled into the new realty corporation.

Interjections.

Mr Frankford: If I could continue with my example?

The Chair: Mr Frankford has the floor.

Mr Frankford: An Ontario housing project has no equity value right now, and this would have to be a policy decision to put it into some—

Mr Pond: That's not surplus, though. If it's a building that is in use, with people in it, it's not surplus land.

Mr Frankford: But one could say that the land around it has potential for development for something.

Mr Grandmaître: It's to camouflage the deficit.

Mr Marchese: Do you want to ask him? Is that it?

Mr Frankford: Perhaps the questions I might ask would not be relevant, so I'll defer to my colleagues.

Mr Marchese: Just a few questions, Doris. I was looking at membership and community activities that you're part of presently. I just wondered how you manage all that and how you will manage the additional responsibility.

Ms Schwar: At one point, I was involved full-time in a graduate course at York University, and at the same time I was serving on 23 boards or committees.

Mr Bradley: Not with Leo Panitch, I hope.

Ms Schwar: No.

Mr Marchese: He's too radical.

Ms Schwar: I thoroughly enjoy my commitments to that kind of organization.

Mr Marchese: I imagine you would. But you found the time to fit all this in?

Ms Schwar: Yes, I did. I used to teach eight grades in one school too.

Mr Marchese: You're adding to the list.

The corporation's activities are subject to the government's housing policy, as I understand, and must develop small sites for not-for-profit housing, and larger sites with 35% not-for-profit, 35% affordable and 30% market. You agree with that?

Ms Schwar: Yes. That's the policy on land development overall, and those same policies will apply. I agree with that, because I believe that gives a healthy community mix.

Mr Marchese: You were talking about the kind of social environment we want in terms of how housing should be constructed. Do you have an ideal of what a good social housing environment is like or could be like or

would be like, or do we have any examples of good development that are found?

Ms Schwar: I think, ironically, some of the very good community developments for lower income individuals took place in areas such as Cabbagetown. They are now being appreciated again in the city of Toronto.

Where I live—I live in the old part of Sudbury—I have a back lane. It makes the whole front of the street much more accessible for people. It makes it more open for people to interact. It's very efficient in terms of land use. It's very efficient in terms of servicing infrastructure developments, sewer and water services, even snowplowing, and we have a lot of snow. So in all respects I think that kind of idea, some of the older ideas mixed in with some of the new ideas we have now, can very effectively serve both low-income and higher-income people.

Mr Marchese: I was going to ask you or at least make a comment about cooperative housing, because I lived in one for two years and found that the mix was essential in terms of a good social environment. Where you take the upper-middle-income person out of the picture, it creates a lot of other problems, because the combination of the mix of incomes and professionals allows different people to bring different knowledge and expertise, and if you take one component out you have problems with that. Would you agree with that? Is that your experience?

Ms Schwar: I would agree with that absolutely. I would also add that it does guarantee a very high standard of maintenance and repair, simply because if you want to continue to collect market rents from the upper-income folks, you have to maintain a very nice building. It makes acceptance within the surrounding community and the impact on property values negligible. Up where I am, they tend to be one of the nicest buildings in older neighbourhoods and they tend to bring up the whole neighbourhood.

Mr Marchese: Thanks, Doris. Good luck.

The Chair: Ms Schwar, thanks very much for your appearance here today and for travelling all that way.

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DEBBE DAY CRANDALL

The Chair: Our final witness is Debbe Day Crandall.

Ms Debbe Day Crandall: My apologies for being late.

The Chair: That's fine; we understand. Ms Crandall is an intended appointee as chair of the Oak Ridges Moraine Citizens' Advisory Committee. Do you have any brief comments before we get into questions? Don't feel obligated.

Ms Crandall: No.

The Chair: That's fine. I'll ask Mr McLean to begin the questioning.

Mr McLean: The questions are always easy here. You have a 20-acre farm?

Ms Crandall: That's correct.

Mr McLean: What do you grow?

Ms Crandall: It's a severance off my parents' original 100 acres. My father and mother put in a lot of trees, and that's what I'm emulating as well. I've got a few horses,

but we're turning it into a tree farm, not necessarily for economic gain but just to grow some trees.

Mr McLean: I've a 200-acre farm, so I know what it's like.

Ms Crandall: We're just trying to produce a natural hardwood forest, to see if we can do it.

Mr McLean: What is the witness's understanding of the government's announcement about the long-term strategy? What do you feel this committee's major job is?

Ms Crandall: The citizens' advisory committee's? Right now, the technical working committee has been working in isolation with the 14 members, in the sense that they are selected stakeholders without any other input from the public, from any groups other than those around the table. The citizens' advisory committee is to provide forums, in my mind, for public input to see how they feel about the Oak Ridges moraine, how they feel about a long-term strategy, what kind of long-term strategy. It's a consultation process to gain information from the public.

Mr McLean: Do you think you'll have any input into the waste authority that's establishing the landfill sites?

Ms Crandall: Well, I know that in Peel we're off the moraine. There are still several locations on the short list on the moraine. We're looking at the end of November as far as the technical working committee is concerned, and I don't know when the short list is going to be pared down. I would say that the process of the Interim Waste Authority is far along. I know Mr Christie, the chair of the technical working committee, had contacted Herb McIntyre to give him some input on whether or not a landfill site on the moraine might be the best idea. I would say that process is already going through.

Mr McLean: You're going to go through that process?

Ms Crandall: No. The Interim Waste Authority process will already be well advanced and will have selected the sites prior to a long-term strategy.

Mr McLean: But your mandate runs out in March 1994, does it not?

Ms Crandall: I'm sorry. I'm talking about the technical working committee and its findings and its process. Will the citizens' advisory committee have input?

Mr McLean: Yes.

Ms Crandall: I think we will contact the Interim Waste Authority and garner information. I think the environmental groups have been doing a very good job now of voicing their opinions. I think there has been a lot of input gained on the Interim Waste Authority.

Mr McLean: That interests me, because there are a couple of sites close to Lake Simcoe. I fail to understand why they were even put on the list to start with.

Ms Crandall: My background is hydrogeology. One of the reasons they're saying that is that if you have a very distinct upward movement of groundwater, in fact it's moving it away from the groundwater regime and bringing it up to the surface. I know that one of the sites in Caledon is not on the moraine but is a standing gravel aquifer that

provides water to Bolton. One of their reasons is that they say the groundwater regime is good for that, because it takes it up so they can then monitor and control any toxins that come up into the groundwater regime.

I'm on the Interim Waste Authority Peel regional consultation network, so I've had a chance to look at their literature. They've not left many stones unturned. The process, the technical knowledge, is sound, I think.

Mr McLean: But you're a citizens' advisory committee with regard to the Oak Ridges moraine, and that moraine goes into Lake Ontario, a lot of it. When we look at the aspects of the waste authority, the question I had originally asked was, are you going to have any input into that with regard to these sites?

The other question is, are the other members on your committee from a wide range of public participation in environmental issues?

Ms Crandall: I have not been informed as to the members of the CAC. I don't know who they are. That wasn't given to me.

Mr McLean: When do you think you'll have your first meeting?

Ms Crandall: I would say as soon as possible. If I am in fact accepted as the chair of this committee—

Mr Grandmaitre: Your chances are good.

Mr McLean: There's never been one turned down yet, so your chance is 100%.

Ms Crandall: As we have our technical working committee tomorrow, I would like to have it as soon as possible, because the technical working committee has been looking at getting these studies together for a year and a half. It's been a long process, and there's a lot of catching up to be done for those who do not know what is going on with the technical working committee. I've been fortunate in the sense that I've been part of that process from day one, so I know what is going on, but I know it's very confusing.

Mr McLean: How many days a month do you anticipate you'll be putting in on this job?

Ms Crandall: I think it's important to keep in step with the technical working committee. They meet every two weeks, and I would say that on a regular basis every two weeks would suffice, probably a day before the technical working committee. I would say that members who don't know the process of the TWC would in fact attend some meetings. Maybe at the beginning we might have to meet more regularly to get people up to level.

Mr McLean: When do you think the next announcement's going to be with regard to the reduction of sites for the waste?

Ms Crandall: I was heavily involved when all of the sites in Peel were taken off the moraine; there was one that was very close. Because of my time commitments, I have not been part of this process as much as I would like, because they're not on the moraine. You have to maintain a focus; I've found that it's very easy to get involved in everything. In Peel, it is not a threat to the moraine so I'm afraid—

Mr McLean: So there are no sites around Palgrave?

Ms Crandall: No. Two that were very close were removed during the short list. There are other parts of the moraine, and we have other members within our environmental group who are in fact dealing with that.

Mr McLean: Could you give me your major concerns with regard to the enlargement of the Keele Valley site? There's been a lot of discussion on it with regard to the moraine.

Ms Crandall: When you look at the original placement of it, it's old technology; they didn't have access to the knowledge or maybe the awareness that the headwaters are important areas. It seems we've come into an area of resource constraints, and this is where these concerns and committees start forming.

The monitoring is in place in the Keele Valley. It is an operation that is in progress, and they're doing an awful lot of monitoring. If it is a choice between starting up a new 800-acre site in York versus expanding this for a period of time until, let's say, the diversion process goes through, because the monitoring is in place and the damage has been done to a degree, I would say continue with that until we get our 3Rs diversionary and we settle this problem with the garbage situation.

Mr McLean: That's probably what may happen.

Ms Crandall: Another megadump in York just doesn't, in my personal opinion, make any sense.

Mr McLean: Are you involved at all in the SOS for Lake Simcoe, Save Our Simcoe?

Ms Crandall: No. It's a concern with the Save the Oak Ridges Moraine Coalition, in the sense that all of the moraine has not been studied at this time, and part of the Lake Simcoe watershed starts in the greater Toronto area. STORM is a small group of people. I was giving a talk last week, actually, to East Gwillimbury, which is within the Black Creek flow. So we are outreaching to them, and they hopefully will become members and then we can address that problem. It's just that we have a very limited number of people. It's all on a volunteer basis, and it's very difficult.

Mr McLean: There was a study done 20 years ago on that, and it's never been acted on. I see they're reviving it again.

Ms Crandall: They have put out a general "Help us," haven't they?

Mr McLean: I figure I'm going to get cut off here, so I'll stop.

Mr Marchese: Just a few questions, Debbe. The role of the committee is to help develop a long-term strategy for the preservation of the moraine. What is that strategy?

Ms Crandall: Technically, determining that long-term strategy is the role of the technical working committee. We are to aid, in the sense of bringing in the public information.

Mr Marchese: What are you doing? What is that strategy?

Ms Crandall: That strategy has not been determined. That is something I was just talking to Mr Fred Johnson

about, that up to this point they've been setting out about 12 background studies. Sitting around the table, there's so much on the table that we haven't sat down and started to say, "What form will the strategy take?" Because you can't do one and then hope to progress into the next one, I think that sitting around the technical working committee, we are going to start talking about what kind of forum. But at this point there is not anything concrete as to what that will be.

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Mr Marchese: What kind of community support do you bring? Is it your own individual interest that you bring to this advisory committee, or do you bring a long history of experiences of involvement with other community groups, wherever you're coming from?

Ms Crandall: Actually, it's been about two years now—it's almost like layers. First I started off with concerns about my particular area, which is the Palgrave policy. It's called the Palgrave rural estate policy area, which is, on the Oak Ridges moraine, 8,500 acres assigned to rural estate development. From there, I then got involved in STORM, Save the Oak Ridges Moraine, which is looking at the whole Oak Ridges moraine. So we are all individuals who live in an area and are concerned about that area.

But getting away from the parochial aspect to the broader scale, this is one feature that is important, whether it's all made up of a bunch of little communities, all with the same problems—different challenges, but basically the same concerns.

Mr Marchese: Do you have a sense of what kind of outreach you're going to do with the communities in order to interest them and involve them? It's a big challenge. I'm convinced that not everybody is excited about this, and thank God a handful of tenacious people are very interested and understand the implications of disrupting this whole thing. Do you have a sense of how you will outreach to the communities?

Ms Crandall: Just to go on with what you were saying, that's one of the things I was talking about: getting a more non-parochial overview, because the people I'm associated with are concerned more about the environment than, let's say, property rights.

So yes, the challenges are immense, because we are now bringing it to people's living rooms. The technical working committee in fact has set out a very strong strategy as to the approach to take. I would imagine that we're going to be doing an awful lot of setting up forums and actual workshops across the moraine in the various communities initially, because a lot of people still don't know what the moraine is.

Mr Marchese: Good grief.

Ms Crandall: I find that quite shocking, obviously, because I'm so immersed in it. But I would say that initially, workshops and newsletters, getting people slide shows, getting people to see what this thing is, and then having open houses. It's important to get all of those opinions of all of the groups—the development industry, the aggregate industry, individual farmers, people who want

two-acre lots. But I think it's a bit unformed, as a total strategy.

Mr Marchese: I wanted to give some credit to the Liberal Party for having thought of this a couple of years ago. It's important to acknowledge—

Mr Bradley: Where were you two years ago when we needed you?

Mr Marchese: I was a trustee with the Toronto board. I think it's an exciting thing. I really am excited with this idea of the advisory committee and the technical working group doing a good ecosystem approach to this whole issue. Are you equally excited by this?

Ms Crandall: Very excited, yes; very excited. To be in on that planning aspect and that ground floor is quite exciting, quite challenging.

Mr Bradley: Perhaps you listened to a question of a previous witness, if you were here. It's regarding the growth of the greater Toronto area. It is anticipated by many—despite my grave concerns, that don't seem to matter much to too many people—that Metropolitan Toronto will have six million people in it in the not-too-distant future, whatever that means, and there's going to be pressure to grow outward. I drive to St Catharines and back, and I used to drive by lush orchards. I now drive by warehouses that in many cases employ about eight people. I have to look at warehouses instead of orchards.

What pressure are you going to be able to apply to the government to ensure that, in trying to meet this apparent need for housing and everything that supplies housing, you're going to be able to retain the Oak Ridges moraine as you would like?

Ms Crandall: Prior to getting involved in this process, I had my head stuck in the sand, saying, "Surely it can just be averted this way." Then I looked at an old 1955 map. You can see the actual houses. Bramalea does not exist. You can see individual houses in Brampton. It became very clear to me that this is a situation that is not going to go away.

I think the work currently undertaken by the office for the greater Toronto area, in the sense that it is looking at this area as a unit and trying to apply some strategic planning, is completely essential, that you get an overview of where you want to go. I think the concept of expanding the existing hamlets, the nodes, is a very workable idea. They give a lot of concern to agricultural land, to the green spaces in the moraine. Not all of the moraine is sensitive. A lot of the moraine is essential to the watersheds that flow south and north. We're hoping that the long-term strategy will in fact delineate those areas that should be preserved and try to get away from the sprawl. I think probably one of the worst things that's ever happened is the sprawl you see in Bramalea, in Richmond Hill.

Mr Sewell and the commission are setting up policy statements. I think there's a really good initiative going ahead with the province in the sense that it's recognizing that something's got to happen.

Mr Bradley: Is it possible that the only way to retain that in the Oak Ridges moraine which you and many others would like to retain would be to establish the Oak Ridges

moraine commission, similar to the Niagara Escarpment Commission, with powers similar to those which have been given to the commission? Is that possibly the only way you're going to be able to retain it?

Ms Crandall: As seen in the Niagara Escarpment planning and development area, it's an effective way to do it, and that piece of legislation is there, the Ontario Planning and Development Act. It's a very powerful act. I'd say that is a very workable tool. The problem is that people say it's another level of government. It takes the municipalities out of the planning process. You've got to remember that it was 12, 15 years ago that the NEC and the Niagara Escarpment Planning and Development Act were put together, and we are now X number of years down the road, hopefully learning some lessons. The thing is that it's a powerful little bit of legislation that I think can be utilized with more hands-on at the municipal level, because that is, to me, where a lot of the planning does take place, right onsite. But that is one strategy, certainly.

Mr Bradley: The streamlining of the process of development and of construction in the province is apparently one of the goals that the former Minister of Municipal Affairs, Mr Cooke, had announced. I used to call it project X. It was contended that there was a cell within the Ministry of Treasury and Economics that was attempting to—I don't know if you're allowed to use this word today—emasculate the Ministry of the Environment, and that a stop was put to that after there was some public revelation of it. That apparently is happening today.

This is a leading question, but you can answer anyway you want: Do you not see a danger when you speed up the process of development, when you streamline the process of development, when you streamline approvals, when you're anxious to get approvals on line by giving these powers to somebody other than the Ministry of the Environment; that in fact you are going to see the kind of development on the Oak Ridges moraine that many people don't want to see?

Ms Crandall: It may be a leading question, but I agree with you that there are aspects of the draft report of the commission on planning and development reform—policy statements are a strong aspect. To me, it is very dangerous to allow the official plan approval and development approval out of the province, because it is just one step removed from the upper- and lower-tier municipalities. That's something the STORM coalition has repeatedly said should not happen; that you have to have a third over-seeing body that actually does the approvals. We're quite concerned about it, very concerned about it.

Mr Bradley: One of the concerns I know your committee has, even though it doesn't all the time directly affect the people who may reside in a specific area but rather the people some distance away, is the impact on the watershed of development that does take place, whether industrial, commercial or residential. We have seen examples of everybody's favourite creek going through the city, including my own city, and you wouldn't exactly put a cup in and drink the water out of it because of the kind of development that takes place. What kind of

activity do you think government has to undertake to ensure that at the end of the stream the water quality—I can't, I guess, say it's going to be the same as at the beginning of the stream—is of an acceptable quality?

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Ms Crandall: In my mind, you have a watershed basin, and the Oak Ridges moraine constitutes the upper reaches or the headwaters area. We feel there are more similarities along the length of the moraine than there are necessarily north and south. You have various aspects of the watershed.

I live on the Humber River, and if you look at the Humber River as it flows through Etobicoke, you see nothing but golf courses lining it. I don't know what you do about that. Golf courses are known to put in a lot of fertilizers and use an awful lot of water. All I would say is that regarding the lands we have available now within the watershed that directly impact—it all impacts, but directly impact—plan now. Save them now. Put areas of planning constraints around them.

Some of the setbacks I don't think are adequate. I think it's 30 metres currently from the floodplain line. Those areas that are known recharge areas, headwaters areas—it's not just recharge, it's recharge and discharge. It's a whole working ecosystem. You have to put appropriate land uses on them, and if it means no land use, then so be it. We're hoping that that will become clear at the end of the process of the technical working committee and the planning study.

Mr Bradley: To whom is your committee directly accountable?

Ms Crandall: It's a technical working committee. I'm pretty sure—

Mr Bradley: Is it all accountable to the Minister of Natural Resources?

Ms Crandall: Yes.

Mr Bradley: If it is—I don't want to get you into trouble. I'm way ahead of time, but I'll go ahead anyway. Do you believe it would be more advantageous for it to be accountable to the Ministry of the Environment rather than the Ministry of Natural Resources, which also has an interest in the exploitation of natural resources as well as the protection of natural resources?

Ms Crandall: I didn't realize this kind of candour would be here today. As a geologist, I don't understand why two ministries look after water. I don't know if that's going to answer your question. When it becomes drinking water, ie, in the ground, it suddenly is the Ministry of the Environment. When it's above surface, it's the Ministry of Natural Resources. It doesn't make any sense. Water does many things: It changes shape, it moves. Suffice it to say that I don't understand why that is, for one thing. You are going to get me into trouble.

The Chair: You don't have to say any more, anyway.

Mr Bradley: The Chair has saved you.

The Chair: We've run out of time. Thanks very much, Ms Crandall. Sorry about your problems finding a parking space within two miles.

Ms Crandall: So is that all?

The Chair: That's it. Thank very much for appearing today. We appreciate it.

Ms Crandall: Thank you very much.

The Chair: The final piece of business this morning is a motion. We require a motion or motions to concur.

Mr Marchese: I'm willing to move it.

The Chair: As usual. Mr Marchese moves a motion of concurrence in respect to the intended appointees reviewed today. Any discussion on the motion? Questions?

All in favour of Mr Marchese's motion? Opposed? Motion carried.

The meeting is adjourned.

The committee adjourned at 1155.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
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- *Cleary, John C. (Cornwall L)
Ferguson, Will. (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- *Grandmaître, Bernard (Ottawa East/-Est L)
- *Marchese, Rosario (Fort York ND)
Stockwell, Chris (Etobicoke West/-Ouest PC)
Waters, Daniel (Muskoka-Georgian Bay ND)
- *Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present/ Membres remplaçants présents:

Abel, Donald (Wentworth North/-Nord ND) for Ms Carter
Carr, Gary (Oakville South/-Sud PC) for Mr Stockwell
Fletcher, Derek (Guelph ND) for Mr Ferguson
Rizzo, Tony (Oakwood ND) for Mr Waters

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service



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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intercession, 35th Parliament

Official Report of Debates (Hansard)

Tuesday 9 March 1993

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Mardi 9 mars 1993

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 9 March 1993

The committee met at 1011 in room 230.

APPOINTMENTS REVIEW

Consideration of intended appointments.

The Chair (Mr Robert W. Runciman): I call the meeting to order. I want to pass on a request, via James looking after the sound controls here, that if at all possible, don't touch the microphones or play with them. You could not only damage his ears in a serious way but also damage the sound system. I guess it's rather sensitive. We'll get right under way.

TERRENCE HEATH

The Chair: Our first witness is Terrence Heath, who's an intended appointee as a member of the Council of the Ontario College of Art. Mr Heath, would you like to come forward, please. Welcome to the committee, sir. I apologize for the delay in getting under way. This is a maximum 30-minute review. If you're familiar with the process, it's a 10-minute rotation available to representatives of each of the three parties. Would you like to say something briefly before we get under way?

Mr Terrence Heath: No. I'm ready to answer your questions.

The Chair: Okay. Let's hope the government party is ready, because it's going to lead off the questioning.

Mr Robert Frankford (Scarborough East): One of the things I'm concerned about that caused considerable tension was around employment equity and hiring. Do you have any views on that?

Mr Heath: On employment equity?

Mr Frankford: Yes, and on the policy to hire women.

Mr Heath: Yes. The Ontario College of Art made the decision to hire only women for a period of time. I think that cultural organizations and educational organizations have always been the leaders in trying to deal with equity. I think the Ontario College of Art made a decision to address an obvious problem, which is not just a problem of the college. Every institution is in a context, and the context of modernist painting and art was the macho male genius. Those macho male geniuses were hired in our institutions, and I think it had to be redressed. The board made a decision on how to address it. It's not the only way to address it; you can do quotas, you can do all sorts of things, I suppose. I think they made a move which will benefit the college in the long run. I think, though, that of course it did put the college through some strain.

Mr Frankford: Can you update us on what has happened there and how it has worked out?

Mr Heath: I think it's worked out well. There's a very large pool to draw from in Canada. We have a very vibrant and large visual arts community, and I'm sure we could

staff the entire Ontario College of Art with women and still keep our standards up, if that's what the question meant. Those things are red herrings, this standards business. I think the qualified people are there and now they're simply drawing in one way in order to balance it. I think that's been a successful policy.

Mr Len Wood (Cochrane North): It's been recommended that a special restructuring committee be struck. I'm just wondering how you feel that you, as a member of the council, will be able to work with the restructuring committee.

Mr Heath: That's a very difficult question, because of course we're in midstream. I don't think there's any choice but to do that. I must say that I believe the boards we appoint in cultural areas, health and education and so on should be self-governing. They represent a community directly and they should be given the authority to govern those institutions; that's why we put them on boards. That's the only reason I would want to sit on a board. Why would I spend my time, hours and hours of unpaid time, devoted to an institution if I thought somebody else was going to have charge of it? I believe in the self-governing of our not-for-profit institutions.

It is true, however, that once in a while our not-for-profit institutions run into problems. We don't have problems when the economy's expanding and there's extra money; we have problems when we get into restraint. It is the responsibility of the board to deal with that restraint problem and it is the responsibility of the board to deal with the management problem. It's not entirely the responsibility of the board to deal with the curriculum, which is a public—much larger than the Ontario College of Art, for instance, or the University of Toronto or whatever, because there is a point at which the entire society's needs have to be addressed by these institutions, especially if they're receiving large amounts of public funding.

As a judgement call always, once when the major funder steps in and how the major funder steps in, I think it is the job of the board to work with the structures that have been put in place, presumably to try to make the institution better. As a board member, I would feel I had either been misunderstood or else I hadn't done my job properly if restructuring were forced on me. It seems to me very important to work with the governing board.

But as to where those lines are, I don't think anyone knows where you draw those lines. I drew a line when I was chairman of the task force on the Art Gallery of Ontario, and that was that I insisted the task force be independent of both government and the Art Gallery of Ontario. That caused some consternation, but I think that in the long run that was and is the only way a task force can really address the problems of an institution, by being independent and by being seen as independent. But it certainly has

to respect the governing board's responsibility for the institution. Does that answer your question?

Mr Wood: Yes. I just really wanted to know what you would see as some of your priorities in managing the finances of the gallery.

Mr Heath: Finance is not my prime area. I'm a management consultant and I work more on strategy and planning and that area. I think, though, that the board is responsible for the financing and I think it is a wrong move on the part of a board of a not-for-profit institution to simply expect that funding will continue to increase and is sort of automatic. I think the board needs a business plan—I realize the Ontario College of Art had a business plan—and I think that business plan has to be as realistic as possible, but beyond that, I think you have to operate within your budget. That seems to me to be the bottom line for institutions. That means some very hard decisions sometimes, but I don't see any way around it.

1020

The Chair: Nothing further? Okay, then we'll move on to Mr Cleary.

Mr John C. Cleary (Cornwall): Mr Heath, I see that you're a very busy person and I just wondered why you were applying for this particular position.

Mr Heath: I have a reason, but I'm just trying to word it in such a way that it doesn't cast blame on people.

First of all, the very largest reason is that I think that increasingly one of the things we're identifying in Canada as an exportable competitive position is our creativity and innovation. I think that comes out through our educational institutions, and I think in particular our arts training institutions are extremely important to us economically. That may come as a surprise to people who, I think, focus on business, MBA programs and so on, but in fact it's that innovation and creativity, that ability to do something in a different way. It is so basic to the arts community that they don't even know they do it, but every artist, when he looks at a pot, also sees that it could be a hat, as that Russian woman noticed in the *Globe and Mail* today.

I think that's very important, and I think the premier visual arts training institution in Canada is the Ontario College of Art. This is where I don't want to be too critical, but I don't think that in fact since somewhere in the 1950s—1955, 1956—it's led Canada in the visual arts. I think the Nova Scotia College of Art and Design took over; I think of the Emily Carr College of Art and Design in Vancouver. I see no reason why the Ontario College of Art shouldn't be the nation's leader in that, and I think I could probably help it to be.

Mr Cleary: That leads up to my next question. What changes would you like to see initiated almost immediately?

Mr Heath: I don't know that, because for one thing I haven't been briefed yet by the college. I will be, I assume, before the first meeting, if you accept me.

I think the governing board is very dependent, obviously, on the staff for policy advice and direction, and I would certainly be a good listener on this. I have some

ideas of my own, but I think that when you join a corporate body, you act as a corporate person. I have some ideas on how the Ontario College of Art would function, for instance, in regard to the Art Gallery of Ontario, in a different sort of way, how it would function in regard to the international discourse on art which is going on right now and which we are not benefiting from in the way we could benefit.

I do have a personal agenda, but I'm not sure how those ideas fit in with the way it's funded, with the way the board's thinking now, with the way the staff's thinking, because you can't impose an agenda on an institution. The institution has to want to do it. It's like trying, if you're coming into office, to impose an agenda on the civil service. If they don't want to do it, you're going to have some trouble making it happen.

I think, though, that I would like to get very much engaged with the policy side of the college. Is that ignoring your question?

Mr Cleary: No. Thank you.

Mr John Sola (Mississauga East): Do you have any new concepts for fund-raising, taking into account the problems the provincial government has with finances at the present time with the large deficit? When you think of the hassle the minister had in funding the art gallery, if you wanted to carry on in some sort of progressive direction, you're going to have to come up, I think, with funding in addition to what you get from the government. Do you have any new ideas in that regard?

Mr Heath: Well, I'm not sure there are new ideas in fund-raising. Obviously, we're not going to expand dramatically in public funding in our institutions. This is my inclination: My tendency as a manager would be at this time to look at cost savings as a major part. What you want is the funding which will allow you to develop in the way you want to develop, and that may not mean additional funds; that, in fact, may mean a better deployment of the funds you have. I don't know intimately where the money's being spent in the Ontario College of Art to know whether there are savings, but having taught for a good number of years at a university, I do know that there usually are areas that can be looked at much more closely.

One of the problems is that in an expanding economy, which Ontario's pretty well always had—I come from Saskatchewan, so I'm used to more of a bouncing economy—is that it's always expansive, and expansion is almost always accompanied by inefficiencies and very often by an inability to say what business you're in, what you actually want to do. It's the Peter Drucker question of "What business are you in?" and those are questions I would push for if I become a member of the governing council: that the college be, (a), extremely clear on what its business is, what it is doing and (b), that it be looked at for cost savings and efficiencies.

That may seem like a slightly negative approach to fund-raising, but that's where I would start. Then you use your people—I hope there are people on the board who have good private sector connections, because I think that obviously has to be pushed and pushed and pushed.

That all said, I think there is one area of fund-raising that I have worked with and have found very lucrative and I think it needs to be explored. Again, I don't know the exact structure of the Ontario College of Art, but that is the whole question of legacies and money bequeathed to institutions into trust funds and foundations.

I started one of these at the Winnipeg Art Gallery and it's amazingly successful. It consists of, for instance, the assignment of life insurance policies, straight legacies and bequeathings in wills, the assignment of assets and properties, and these are held in trust for certain purposes in the institution.

This is an area that almost every fund-raiser you talk to will shy away from because they don't want to go out and talk to people about when they die. In fact, people are much more resilient than that and we found that in talking to people they were perfectly willing to consider the assignment of funding after their death, to the art gallery in this case. I think that educational institutions are obvious places where this might be pursued with a lot of vigour because you do have alumni, you do have people who have some commitment to the institution. Those would be things I would begin with, anyway.

1030

Mr Sola: I'd like to refer—

The Chair: I'm sorry, Mr Sola, we can't pursue it any further. There are strict time limitations.

Mr Heath: Too long an answer, you see.

Mr Noble Villeneuve (S-D-G & East Grenville): Thank you very much for coming before us this morning. I liked your statement here a little earlier that you want to live within your budget. That's sometimes easier said than done, and we who are elected people sometimes become very frustrated with having to deal with hierarchy and bureaucracy.

You are presently the principal of Heath Consultants. What exactly does that entail? Are you a lobbyist?

Mr Heath: No. I work with non-profit organizations in management structuring. I also work somewhat with the public sector. Right now, for instance, I'm working with Environment Canada. They are decentralizing, and I'm working on the accountability structures of the regional integration, the decentralization, of the department.

I work in the management area but I don't work in private sector management; I work in public sector management or not-for-profit-sector management.

I do produce reports. What consultant doesn't? But the main thrust of my firm is that we work as facilitators for managers to correct their own problems, and so we work with workshops. I belong to a management network across Canada which focuses on both psychological and structural transition in organizations.

Also, though, for instance, I'm working right now on a heritage training policy for the Northwest Territories government which will deal with the first nations. In the north you don't have the tribal structure, so you have, actually, a community structure, and the question of heritage policy within the first nations people's communities is very much tied to language and a number of other things which we

often don't put as a priority in anglo Canada. That's the sort of area I work in.

Mr Villeneuve: When you say "non-profit," I gather basically then the funding is coming, to a great degree, from public agencies, ie governments, and also from the private sector. I think you touched on the private sector, fund-raising through the private sector.

As it relates to the Ontario College of Art, and if indeed you are accepted to that council, what do you see as your number one priority here? Are we talking funding? Are we talking the way students are educated? Are we talking about who is accepted at the college? And I have maybe a few questions about enrolment and how that's chosen. Coming from the far reaches of southeastern Ontario, we do have some of my constituents who have attended the art college, but not many.

Could you just maybe comment on your priorities if indeed you do become a member of the council of the college?

Mr Heath: You've touched on a battle I fought for a good number of years in the west. I think that many of the people in our society, in the first generation, do not have access to our institutions, not because there's any p against their having access but because we haven't cr the way for access. I tried, for instance, for a good number of years to—I worked in a university. I realized they didn't have one first nations person in the entire university. This was before federated colleges, Indian colleges and so on.

I tried by the financial means to do that, to set up scholarships and ways of getting into the university. But that's not where you work at it. You have to work at it at a community basis. I guess if I have a passion in public life, it's that I believe that communities have the ways of solving their problems if they can be put into the larger context. For instance, in the case of enrolment at the universities, unless you start in the high schools and they know what the universities are and what the colleges are and what's offered, so on and so forth, you can't simply just change the college and say, "We're going to have 10% from this community and 10% from that community." I don't think that works. I think you have to start from the base.

One of the questions I would ask, for instance, because the Ontario College of Art is obviously a provincial organization not a Toronto organization, is, what is your presence in Sudbury? When was the last time anybody from the college was there? What kind of contacts do you have? Or Cornwall or whatever. That's one of the questions we raised in the task force on the Art Gallery of Ontario as well: How are you in the province? Not whether you say you do this, but where are you? Tell us. I would ask that question. I think the question can also be asked in the high schools: Do you know about the Ontario College of Art? Those are simple questions, but are they at the career nights? If people don't know, then they're not going to go. That's for sure.

Mr Villeneuve: I think you're certainly attacking it at the root. If there's perceived problem, that's certainly where it is.

Final questions: Again, I go back to your job as a consultant. I would think that you've had nothing to do with advising the federal government on some of its choice of art works.

Mr Heath: I have.

Mr Villeneuve: Could you tell us a little bit about that, sir?

Mr Heath: Ontario is one of the few provinces that doesn't have an art bank. If you're an artist in Quebec, you can sell to either the Quebec art bank or to the Canadian art bank. My experience with the art bank is that I've sat on juries which bought art for the Canada Council art bank. I've also been a curator who selected art for international conferences; for instance, when the Helsinki agreement people met in Bulgaria a number of years ago, I chose the Canadian works that were shown at the conference.

The art banks serve a lot of different public purposes. And it's done by jury, partially geographically selected. But there's no doubt that when you select a jury, you've already selected what they are going to choose. There's no doubt about that. I think, though, that it's a contentious issue always. It's the sort of issue that you face all the time in the arts world, and that is, are you going for large public appeal or are you going for what is defined as a much narrower, state-of-the-art sort of work? It doesn't matter whether you're in drama or what you're in.

Mr Villeneuve: I probably am one who doesn't appreciate that it's always in the eye of the beholder, but there was something to do with a painting and the title had something to do with fire.

Mr Heath: Oh yes, Barnett Newman. That wasn't the Canada Council art bank; that was the National Gallery of Canada.

Mr Villeneuve: Another one had to do with raw beef hanging. To me, that ain't art. It may be in the eye of the beholder. I have a little problem accepting that, and maybe I'm behind the times. What are your thoughts on the kind of money that was spent on those things vis-à-vis where it might have been spent elsewhere?

Mr Heath: When we're looking at \$5.8 billion for a helicopter, I think if you took one cruise missile and converted it into cultural funding you'd probably pay for most of Canada's funding. We're talking peanuts in culture. But nevertheless, that said, even peanuts have to be distributed wisely.

1040

First of all, with regard to the Barnett Newman, I'm not going to question the National Gallery of Canada on its choice, because we've given it the responsibility of making those choices and I think we have to make sure we respect that. It was, on market value, a bargain. It was paid I think \$1.7 million or \$1.8 million. I suspect in the market now, you could probably get \$4 million for it. For just sheer market value purchasing—don't talk about quality or art or anything—it was a good buy. That's because of Barnett Newman's reputation.

The meat dress, however, is another matter, and I think that needs to be argued. That is why it was produced, to be argued about. It was for people to disagree about it.

Mr Villeneuve: They accomplished that.

Mr Heath: Obviously there is a passionate statement being made, that is, that women are being presented as meat in the market. That passionate statement, that presentation, overrides—we'll never get down to saying, "I think the colour's just not quite right," or, "It's compositionally not quite right" etc. That sort of piece is never going to be discussed in old formalist art terms, because it's a passionate public assertion. It wasn't bought, it was exhibited I believe in an exhibition, and it accomplished exactly what it set out to.

For instance, if a business person wanted to make a point in the marketplace and got that much attention, we would consider it very, very successful. So I think it was a very successful piece and an extraordinary thing for the national gallery to do.

Mr Villeneuve: Mr Heath, I thank you very much. Maybe I understand it a bit better now. I had a little problem with it before and maybe still do.

The Chair: Mr Heath, that concludes your appearance here this morning. Again, I apologize for the little delay in getting under way and wish you well.

Mr Heath: Thank you very much.

BRIAN MONK

The Chair: Our next witness is Brian Monk. Brian, are you in attendance? Would you like to come forward, please. Welcome to the committee. Mr Monk is an intended appointee as the chair of the Governing Board of Denture Therapists and selected for review by the Conservative Party. Anything you'd like to say briefly, Mr Monk, before we get under way?

Mr Brian Monk: Not really. I've been on the board a year and a half now. I was eligible to sit on the board because I had a life of serving at the association level, both provincially and nationally. My last position was president of the Canadian association. I stepped down from that about four years ago and, after a couple of years out of office, I was eligible to be voted to the governing board.

I have been a denturist all my life. I am a professional denturist and still practising. I'm trying to do my best to regulate the profession and make sure we do our work properly.

The Chair: Fine, thank you. I'll ask Mr Villeneuve to begin the questioning.

Mr Villeneuve: Mr Monk, thank you for being with us this morning. I see you have experience that brought you to a number of continents prior to settling here in Canada on a permanent basis. From your experience in New Zealand, England and then in Canada—you've quite obviously chosen here—what do you feel, in your profession as a denture therapist, you can bring to the Governing Board of Denture Therapists? Would it be experience from here in Ontario or would you be able to enrich that with some of your experiences that have happened elsewhere?

Mr Monk: My experience in England was just basic education. I was an apprentice to a dentist and I went to college during my apprenticeship. Then I went into the Royal Air Force and gained more experience as a dental technician. Then I came to Canada. When I was in New Zealand, I got into a different branch of the profession where for almost two years I was doing nothing but designing and surveying the designing of partial dentures, which is now our new expanded scope of practice. So I feel I have some expertise there, which could be useful to our profession when Bill 50 is proclaimed, the Regulated Health Professions Act.

Mr Villeneuve: Could you comment on Bill 50 and the changes that you feel it would bring?

Mr Monk: I think it's wonderful. It brings all professions to more or less an equal level. We are all going to be self-governing and totally responsible to the public and to government legislation. We'll have more public input; there are going to be more public members on our board. We have an expanded board and we can fulfil our duties at a better level. Right now, we have a problem because there are only nine of us.

We have complaints that have to be passed on to disciplines and we are so short-staffed that we have people serving on both committees. They have to disqualify themselves because a disciplines committee person cannot hear a complaint that he was responsible for passing forward. So we shuffle our committees around to try and make the best use of our manpower.

Mr Villeneuve: So you feel complaints will be much better looked after and serviced with Bill 50 coming on stream.

Mr Monk: We've done a pretty good job up to now. The problem is that if it goes further, then we have to be careful who sits on the disciplines committee. Even the executive committee passes complaints forward to disciplines. I serve on both boards now, so I have to disqualify myself from hearing a matter that came forward from the executive committee when it comes to disciplines.

Mr Villeneuve: We, as elected people, were lobbied long and hard by people who were left out by Bill 50, and I gather quite a number of people were set aside in another category from being full-fledged denture therapists. Maybe you could comment a little bit on what that's done to your profession prior to having a governing agency which will be brought on by Bill 50.

Mr Monk: We've had a governing board since 1974. The present governing board is going to be expanded and the name will be changed. We're going to be called the College of Denturists when Bill 50 is proclaimed. But we have had a board since 1974, so we are active.

Mr Villeneuve: But you did not have the power that you will have to be fully self-regulating?

Mr Monk: We're going to elect members to the board once Bill 50 is proclaimed. Right now, our board members have always been appointed by the Lieutenant Governor in Council. Basically, though, the board has handled the other matters.

Mr Villeneuve: Okay. I guess that's pretty well all. All I can tell you is that we only go to your profession when we absolutely have to, and thank goodness you're there when we need you.

Mr Frankford: Good morning, sir.

Mr Monk: Good morning.

Mr Frankford: I happen to be a member of a different profession and I'm quite interested in comparing different professional bodies. I'm a physician, and I think our annual fees are going up to \$550. I notice that yours are \$600 already.

Mr Monk: With only 437 licensees, we have to provide the same committees and do the same work that the larger professions have to do. Right now, we do get a government grant, \$45,000 or so a year. That's going to cease when Bill 50 is proclaimed. So our licence fees will probably have to go up quite a bit more.

Mr Frankford: Would you like to comment further on that, because I don't know which others, but there must be some other professions with memberships no bigger than yours. Presumably they're all going to have much the same needs and financing.

Mr Monk: It's going to cause quite a bit of financial hardship too, but then I understand the dentists are paying \$1,300 to their board now. They've got a much bigger membership than we have, more licensees. However, we were told that if we wanted this, we had to bite the bullet; we have to finance it ourselves. Our licensees are aware of this.

As a licensing board or a governing board, we're just going to have to be very careful with our budget. We spent all last Friday on the budget for next year. We're running into a deficit position all the time. We were at an overdraft of \$35,000 just recently. Our legal fees went from \$30,000 the year before to \$75,000 this year. The legal fees, even with Bill 50, with the RHPA, the templates—we have to have lawyers advising us on the regulations, how to draft the regulations. We've got another batch of that coming up, so that has taken money, but it's only a one-time thing. Once the bill is proclaimed, that will cease. It's just getting us into the template with the regulations.

1050

Mr Frankford: Could you comment then on another thing which I think you briefly touched on? The fact that you've got 437 members and you would have to elect, how do you see that working out?

Mr Monk: We have got our electoral boundaries already established. I can't tell you how they work out, but it's pretty fair the way we've got it worked out. It will be calling upon the profession from all over Ontario to serve on the board.

Mr Frankford: I don't know how your members are distributed but—

Mr Monk: Most of them are in Metro. You can say about 50% are in the Metro region.

Mr Frankford: I'm just wondering whether the reality will be that if you're in northern Ontario, you know, you and your colleagues there will have to sort of draw lots as to who's going to be the member.

Mr Monk: I'll just give you the breakdown of the association. Their secretary comes from Timmins. They have members from Ottawa. We had one from Sarnia. We even had a board member from Windsor and we had a board member from Ottawa. We just got a new public member from Sudbury. We are pretty well spread out. We try to keep it regional. I'm the only one from Metro on the board, the only professional member.

Mr Frankford: I think that's another thing, that professions, in their protection of the public, want to review the standard of care besides responding to complaints.

Mr Monk: Our next board meeting is this Friday, and this quality assurance is new. It's new to all professions, as a matter of fact. I guess you're aware of that. I don't know if you had it before, but most professions never had a quality assurance program. We're interviewing somebody with expertise in quality assurance programs to give us advice on how to actually get this in place before RHPA is proclaimed.

Mr Tony Rizzo (Oakwood): You mentioned professional members. Do you have different kinds of membership in your association?

Mr Monk: No. Our governing board is made up of six members of the profession, six denturists, and three public members or members who represent the public. They're appointed by the Ministry of Health to serve on the board. They're laypersons.

Mr Rizzo: What requirements do you want for people to become members of your association?

Mr Monk: You mean for the board?

Mr Rizzo: No, for the association.

Mr Monk: Any licensee, if he pays his membership dues, can be a member of the association.

Mr Rizzo: Licensees from Ontario?

Mr Monk: The governing board is the only one that can issue licences. We have a registration committee. The majority of our licensees are graduates from George Brown College. They have a three-year denturist program there—or I should still say denture therapist. I've got to be honest with you. I still consider myself a denturist. We started out as denturists. The title "denture therapist" was a sort of political compromise when we finally achieved legislation after that hard four-year fight with the dentists back in the early 1970s. Only in Ontario are we called denture therapists, but under Bill 50, we will go back to the title of denturist again. That is an achievement I feel quite pleased with. But the college teaches and we give a licence to the graduates of the college if they meet the standards, and the college sets those standards.

We also have to look at people coming from other jurisdictions, other parts of Canada, but mostly from Europe or other parts of the world. It's the registration committee that interviews them and determines if they could get a licence to practise as a denture therapist or denturist in Ontario. Sometimes they send them to George Brown for an exam. Sometimes they even send them back to school for a year. I understand this is done by other professions as well.

Mr Rizzo: So if somebody comes from any of the countries in Europe, he can apply for membership.

Mr Monk: They can apply for a licence. We don't consider it membership; we're licensees. The association has members and not every licensee is a member of the association. That's a voluntary thing where you pay another fee to be in the association. This is the same as the doctors and the dentists and all professions out there. You pay your licence, which is your licence to practise, and you pay your association dues which entitle you to be a member of the association. The association is the lobbying group; it fights for the profession.

Mr Rizzo: Do you have a set of criteria for giving a licence to anyone who applies?

Mr Monk: Oh, yes.

Mr Rizzo: In terms of those who are coming from other countries?

Mr Monk: Yes. They have to be able to meet the standard of practice that is set in Ontario, and the standard of practice is what is taught at George Brown College.

Mr Sola: I'd like to carry on with that line of questioning, the standard of practice. Since I've been elected, I've had quite a few constituents come in with complaints about self-governing disciplines or self-regulating bodies. The perception of the public quite often is that self-regulation is more like self-protection, protecting the practice, protecting the profession, protecting their income, rather than protecting the quality of service or protecting the public.

Since you have such an extensive experience in the field, could you comment on that? In your experience, what do these self-regulating bodies place as the first priority?

Mr Monk: I don't know about the other boards, but I know our board. We feel our mandate is to serve the public, to protect the public. I've been on the complaints committee. Our chairperson of the complaints committee is a public member and she makes damned sure that the complaint is looked after and properly. There's no sloughing it off and saying: "Well, he's a good friend, you know. We won't proceed with this."

The complaint is fairly heard. We call in both the practitioner who the complaint is made against and we call in the complainant, the person who's had the poor service or feels she's had poor service. The dentures are fairly assessed by two qualified licensees independently. One will examine the patient with the dentures and fill in an assessment sheet, hand it to the chairperson, and then another member of the profession goes and does the same thing and the chairperson looks at the two assessment sheets. Then the patient is excused and we debate the results of the assessment, why there is a discrepancy or, quite often, they've both been very similar, very close. We feel it's a fair assessment of the quality of the work.

Mr Sola: Do you make your results public or is it handled in private?

Mr Monk: It's not made public at present. Disciplines are going to be public after the new bill is proclaimed, but complaints at that level are still held in camera.

Mr Sola: There's been quite a bit of discrepancy in certain professions. Things have hit the headlines about professional misconduct, sexual harassment, that sort of thing.

Mr Monk: In that nature, I checked with our registrar because I've been going to these seminars on sexual abuse, not learning how to do it but—

Mr Sola: I would hope not.

Mr Monk: —how to counteract it and we have never—touch wood; I don't know if this is arborite—had a complaint brought to our board about a denturist doing any sexual misconduct.

As I said, I was at a meeting last week or a couple of weeks ago with all the professions, because we're trying to do something with this Bill 100 that's coming up, this sexual abuse bill. There are some things in there that we feel are a little threatening to some aspects of the profession. We only see nudity from the neck up and our patients usually are anywhere from 60 to even 95, so maybe that has some bearing on why there are no complaints, but I've never heard of a complaint of a sexual abuse nature in Ontario.

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Mr Sola: You were mentioning about standards for the admittance of new members, especially people from other provinces but more so people from other countries. I know there have been quite a few complaints laid at the feet of the medical profession and the legal profession and some of the other professions that there are undue obstacles placed in front of obviously qualified people, people who have come here with medical degrees, who have passed all of the subsequent tests that have been required of them and who still have a tough time cracking the profession because the obstacles placed are just insurmountable. In that regard, what is your experience? Again, is it protecting your turf or is it protecting the quality of service that the public gets, in your experience?

Mr Monk: We don't have much of a problem. You see, Canada is the world leader in denturism. I'm going to call it denturism; that's how we refer to it. We have four colleges here in Canada, where in Europe I don't think there's one. There's only one in the States and it's nowhere near the quality of what we have here. George Brown College here in Ontario sets the standard for the world now. It's been accepted by the international association as the criterion for denturist education. We are very fortunate that we have a really dedicated group of instructors in our college. They've put together a curriculum that meets everything. It's a good three-year program.

Consider that the three-year program teaches young people in all aspects of denture prosthetics. That's all it is, making an artificial replacement for natural teeth. That's a three-year program. The dentists take a four-year program where they are supposed to learn root canals, orthodontics, extractions, oral surgery and on and on, and removable prosthetics. That's part of the dentists' curriculum, so we feel our three-year program more than meets the education requirements to turn out a first-rate denturist when he's graduated from school.

As I said, the other countries don't have this education so we don't get many applicants for licence. Most of them are people who have come here as dentists. They can't get into dental school, can't get a dental licence, so then they say, "Oh well, I'll see if I can become a denturist." That's

where most of our European applicants come from, that background.

The Chair: Anything further?

Mr Cleary: Dr Frankford kind of touched on what I was going to. But according to your financial statement here, you must run a pretty tight ship. I have just two comments. I just didn't hear too clearly where you intended to get the balance of your revenues from. You had also stated in response to another question that you have never had any sexual abuse problems.

Mr Monk: No, I said we've never had a complaint brought to the attention of the board. I don't know any other way we're going to find out about it. There might be a problem there. I said this at an interprofessional meeting a couple of weeks ago and I understand one of the members of one of the female professions, I think an occupational therapist or something, said to our lawyer afterwards, not knowing that he was our lawyer as well as her lawyer—Porter Posluns represents a lot of professions and happen to be their legal counsel—"How can that denturist say that in this day and age?" I just said: "That's all we know. We have never had a complaint of a sexual abuse nature brought before our board." That is a fact. I'm not fibbing. It's an absolute fact. It might be there. The patient isn't complaining.

But as I said, there's no disrobing in our practice and most denturists today have female staff working in the office. If you're smart, you keep the door open and the female staff are pretty close by. A friend of mine was working late with a patient. His partner had gone home. It was a female patient and I think she'd had a drink or two before she came. She was getting a bit frisky and he had to carry on a fictitious conversation with his partner down the hall to make her think somebody was still there besides him. The encouragement can come from the other side on occasion. You just have to be careful.

Mr Cleary: Okay; that's it.

The Chair: Okay; fine. That concludes the questioning then, Mr Monk. Thank you very much for your appearance here this morning. We appreciate it and wish you well.

Mr Monk: Which is Mr Stockwell?

The Chair: Mr Stockwell is not here.

Mr Villeneuve: He's in the vacant chair.

Mr Monk: Oh, okay. I was looking around. I didn't look that close. He's from my area.

RONALD W. BOISSOIN

The Chair: Our next witness is Ronald W. Boissain. Welcome to the committee, sir. Mr Boissain is an intended appointee as a member of the Workplace Health and Safety Agency. Any brief comments you'd like to make before we get into questions?

Mr Ronald W. Boissain: Just that I'm quite pleased to be here today to receive your questions and I'm ready to do so.

The Chair: Okay, great. You were selected for review by the Conservative Party. Mr Villeneuve, are you ready to lead off?

Mr Villeneuve: Thank you, Mr Boissain, for being here. Thirty-five years in the automotive industry with GM?

Mr Boissain: Going on 36.

Mr Villeneuve: That is quite a record. You have been involved in health and safety for quite a number of those years. Could you just elaborate on what you've seen evolve in the time since you were first on some of the health and safety areas of the plant you worked in, a little bit of what's evolved? I don't think any of us, certainly not on this side, has been involved with the automotive industry.

Mr Sola: Yes, I have.

Mr Villeneuve: Oh, there he is. Okay, we have.

Mr Boissain: Right on. I'll be glad to. I came into health and safety in about 1976, before the Occupational Health and Safety Act was really enacted out of the original Bill 70. At that time in the auto industry, we had an internal responsibility system. Along with the CAW, we had health and safety committees, which weren't legislated until 1978. We've had a long experience working with our counterparts in the union. We've run a bipartite process, actually, since the early 1970s—I believe 1972 or 1973—when the CAW negotiated that right.

I initially worked as a health and safety representative on the floor. I was the supervisor of health and safety in our car plant in Oshawa. I took responsibility in the 1980s for a regional health and safety board—the city of Oshawa—General Motors-wise. About five years ago I assumed the responsibility for health and safety for the corporation. Again working jointly with the CAW, I also have a counterpart who was appointed by the CAW as a coordinator opposite myself. Each of our health and safety people has a union counterpart at General Motors.

Mr Villeneuve: The advent of robotics: I'm sure you've seen them come from their infancy. Within the plants that you have experienced, in your opinion, has this been a positive to reducing accidents in the workplace? What do you see as the pitfalls in this particular area?

Mr Boissain: The only pitfall that could come out of robotics would be a lack of training. Certainly, we faced up to that very early in the game. Our people who work with robotics receive anywhere from 500 to 1,500 hours of training in the robotics systems and only those people who are trained are allowed to be in or near areas where robotics are.

Robotics in themselves have significantly reduced the opportunity for injury in the automotive assembly plants. We used to have what they call jungle lines at one time. Coming from Ford, you may appreciate that. It was an old system, old welding systems where you could hardly move through the areas, with cables and various other things that were used in the workplace. There were a lot of inherent dangers with sharp metals, exposure to injuries and that type of thing. Robotics has basically taken away the dirtiest jobs, I guess would be an easy way to say it, and inherently dangerous jobs.

I think that in areas where our robotics installations are predominant, it's probably reduced accident injuries upwards of 70%.

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Mr Villeneuve: I've seen your other affiliations, and I'll let the experts here on the automotive trade ask about that. You're a past president of the Thornton Dundee Ratepayers Association. What's your main *raison d'être*?

Mr Boissain: In terms of that?

Mr Villeneuve: Yes.

Mr Boissain: It was just that we were in a new area and there was a need to put together a park for the citizens of that area. When you move into a new subdivision, there's literally nothing there. I guess I was just one of the people who was up front in trying to put first a rink in and then a number of other things and I was appointed a president as such. It was basically for the people, for the kids in the community.

Mr Villeneuve: A final question, Mr Chair. You're not the lucky recipient of a dump site or anything like that?

Mr Boissain: No, I don't think so, that I know of, no.

The Chair: We'll move to the government caucus. Mr Wood.

Mr Wood: Thank you for coming forward. One of the questions I'm concerned with is, why would you be interested in serving on the board?

Mr Boissain: It's in a sense a continuation of what my life has been all about for the last 14 or 15 years. I've been very, very involved in health and safety. I'm really not sure what is on the brief you have there, but I'm quite proud; just earlier this year I received the Canada 125 medal for my efforts in a number of activities that were associated with safety, and it's just a continuance of that. I think there are gains to be made by working in the bipartite process and I'd like to contribute to it.

Mr Wood: There's been some controversy on the agency here as far as voting and the procedures are concerned. I just want to know what your position might be if you were in a minority position on a vote. Would you continue on the board or would you resign or what would your position be on something like that?

Mr Boissain: I'd like to think that I'd continue on the board. I've lost more than one thing in the past. I guess that's what you have to deal with over the years, and my objective is to try to do the best we can.

Mr Mike Cooper (Kitchener-Wilmot): What about the bipartite board? Do you feel that it works well?

Mr Boissain: There's no reason why it shouldn't.

Mr Cooper: I know in the past it's always been kind of adversarial between the employer and the employees. Is this working well?

Mr Boissain: I have been involved now for about a month, and in my dealings with Mr Forder and Mr Carriere and the other people there, I see no reason why it can't. We've done it in our plants. It's just been the norm since, as I say, the early 1970s and it's not anything that's new to me. Certainly when you get the employees involved, they're the ones that know most about the workplace, the guy that's got to do the job and has got the tool in his hand. To be quite honest with you, they've got generally a better

feeling for what the workers are up against. So I have no problem with that process whatever.

Mr Cooper: The agency's been around for two years now.

Mr Boissain: Yes.

Mr Cooper: Have they had any large accomplishments?

Mr Boissain: As a matter of fact, I was very, very pleased to be exposed to one just a matter of a couple of weeks ago, and that was the soft-tissue injury prevention program that they put together. I think that's significant. As a matter of fact, I took it back to our workplace right away so that we could have a good look at it and see if we could use it in our processes. That's significant.

I think the training that has been put together at this point, once we can finally dot all the i's and cross the t's, is going to be significant in terms of helping the workplace parties, the health and safety people out there who have got a job to do.

The Chair: Last, Mr Rizzo.

Mr Rizzo: I was reading here through the report the percentage fatality rate in Ontario. Do you think this agency would help in reducing those rates further?

Mr Boissain: I would certainly hope so. That is one of the reasons that I'm involved.

Mr Rizzo: Do you really think there may be some problems in terms of how the owner companies deal with the security, with the safety in their places, in view of the fact the competition's getting worse every day?

Mr Boissain: I think we've got a bit of a selling job to do, in that respect, in some areas. A true health and safety professional looks at it from the standpoint that if you can make the workplace as safe as possible, there are end-of-the-line profits for the business. In terms of reducing accident injuries and fatalities, if they get to that standpoint, even if a company is only looking at the bottom line, certainly it affects the bottom line by being safer in the workplace. Any health and safety professional knows that, I think, inside. I certainly feel that way.

The Chair: We'll move on to Mr Offer.

Mr Steven Offer (Mississauga North): Thank you, Mr Boissain, for your responses to the earlier questions. As you know, the agency has had some difficulties in the past, and you will be aware that the management appointments of the agency have in fact resigned en masse as a result of allegations of some ministry interference in the ongoing operations of the agency. I am assuming that you're here as a management appointee as opposed to the labour side.

Mr Boissain: That is correct.

Mr Offer: I'm wondering if you could share with us how your name came forward. Was it through the advisory committee or through the Ministry of Labour?

Mr Boissain: I think I'd have to give you somewhat of an assumption. I believe it originally was put forward by the Ministry of Labour. I met with the Ministry of Labour on a number of issues over the years. For whatever

reason, they felt that they should do so. The management advisory committee accepted that, I understand, but I believe it was through the Ministry of Labour, yes.

Mr Offer: I'm aware of correspondence that has been sent by the Ministry of Labour indicating that it's going to be proposing candidates for the management directorships to the MAC for comment. Are you aware as to the reaction by the MAC to your appointment?

Mr Boissain: I saw a document in which they had accepted my name, and that was all.

Mr Offer: Thank you. The reason I ask is because I've been involved in the agency and, as well as many others, have been concerned with what was going on in the agency. That leads me to my next question. I believe that if the agency is to truly operate and be successful in a bipartite fashion, as it was designed to have been, there should not be any ministry interference. I'm wondering if you could share with us your thoughts as to bipartite and the relationship of the agency to the Ministry of Labour.

Mr Boissain: I'll sort of work that around backwards a little bit. We spent most of yesterday as a caucus, sitting there trying to determine how best we could deal with our, if you want to say "opposites," on the labour side so that the types of things that have happened in the past don't necessarily happen again. Not having been part of the process before, I really don't know how much the Ministry of Labour may or may not have interfered. I really couldn't comment on that, to tell you the truth. I would like to think that if we do our job right, nobody has to interfere. I can't really say much more than that because I wasn't a party to what went on.

Mr Offer: Do you feel that in a bipartite operation such as the agency it should be more open for public viewing than in the past?

Mr Boissain: I think maybe one of the criticisms that has been levelled, certainly by the management side, is that they really didn't know what was going on. But I don't have any answers yet. It's a little early in the game. I think maybe as we work through the process we'll try to find a way so that they have a little better feeling that what is happening is for the good of the workplace and is out there for everybody, for both sides of the house. That may settle some people down. Again, it's a little early in that process. We're just now working on it.

Mr Offer: I've just taken a look at your very impressive résumé. Do you believe that on issues that are going to be before the agency, significantly, of course, the issue of training and the delivery of that, those issues can be addressed by management and labour on a consensual basis as opposed to the imposition of a vote?

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Mr Boissain: I definitely think they can be, and that's the end to which we were meeting yesterday, to try to move forward in that regard.

Mr Offer: You'll know that some of the difficulties that have arisen in the agency in the past have been, as many have alleged, a forced vote on the issue of training,

hours of training and the program itself. Do you have any opinions as to the decision that was arrived at in the fall?

Mr Boissain: Having now talked to the parties that were involved in the process, I have a different opinion than I had previously, to be very honest, because I wasn't party to it, again. I think I basically feel comfortable with why it had to happen. The most important thing is, if I am there, then I've got to try to decide to do the right thing going forward. I can't get into the heads of the people who made those decisions at that time to determine why, but based on the information that I've been given, I think the process had got to a point that they had to do something.

Mr Offer: Again, not to belabour the point, we will all be aware that these vacancies are as a result of people resigning from the board.

Mr Boissain: Right.

Mr Offer: Do you have any thoughts as to how to rebuild the confidence of those who felt compelled to resign from the agency?

Mr Boissain: Yes. As a matter of fact, as I was saying, that was part of the process we were involved in yesterday, so that as a caucus, as a group, we get to the point that we're not splintered all the time and we can approach things in a dignified, proper manner. I think the approach we're going to take is that as a caucus we'll take a vote, and a simple majority rules. We have to accept that going in, that we're not always right; we're obviously not always wrong. But we have to accept the fact that there's a line somewhere at which you've got to get on with the game.

Mr Offer: Do you feel that there must be a distance between the Minister of Labour, the Ministry of Labour, and the workings of the agency?

Mr Boissain: Not too much of a distance, in the sense that neither side can work in a vacuum. Some of the things that the agency will be working at will definitely affect how things are done in the workplace. The Ministry of Labour is certainly in the workplace on a regular basis, looking at the same types of things, so you've got to have contact back and forth to the extent that both sides feel comfortable with what they have to do in the future and that type of thing. So I do think there has to be some contact, certainly.

Mr Offer: I'm questioning what it means, then, to be a bipartite agency, hopefully working with consensus, and still indicating that there's got to be this very close relationship to the ministry. The reason I ask that is because I just can't forget how and why some fairly well-respected individuals were compelled in many ways to leave the agency at a time which was crucial in its decision-making. I think one of the things they might say is that the ministry wasn't allowing the agency to do what the agency was designed to accomplish.

Mr Boissain: It's really impossible for me to answer that because I don't know what happened in the past in terms of involvement with the minister or anything like that. I'm thinking more from the standpoint that even now with the bipartite process we have in our plants, which is not unlike what we're looking at here, the health and

safety committee has to decide what is right and what is wrong in the workplace and try to take actions on it. The ministry is still there and it may not agree with what the health and safety committee decides.

When the determination is made to go in a certain direction by the agency, and having reached a bipartite agreement, I think the ministry might advise. I don't think they should necessarily have the right to overturn anything in that regard because the bipartite process should work out there. But based upon experience and based upon a lot of other things, they may have some good advice which you could use. That's what I'm talking about in terms of not direction but more advice.

The Chair: Mr Boissain, that concludes your appearance here. We appreciate you coming by this morning, and I wish you well.

Mr Boissain: Thank you very much.

MICHAEL BRAGER

The Chair: Our final witness this morning is Michael Brager, who is an intended appointee as a member of the Ontario Film Review Board. Mr Brager, would you have any brief comments you'd like to make before we get into the questions?

Mr Michael Brager: No. I'd just like to say good morning and hope I can answer your questions.

The Chair: Okay, fine. You were selected for review by the Conservative Party, and Mr Villeneuve will begin the questioning.

Mr Villeneuve: Thank you, Mr Brager, for being here. I see you've a lengthy and illustrious career in the film industry, according to your curriculum, starting in 1948.

Mr Brager: That's right.

Mr Villeneuve: You would at this point like to be a member of the Ontario Film Review Board. We've not heard a great deal of it lately. I presume they're probably giving the green light to just about everything that's coming through. Could you comment a little bit about what you've seen in the past and what you want to bring to the film review board as an individual with that sort of experience?

Mr Brager: As far as commenting on what they've put through and what they haven't put through, I don't have any firsthand knowledge of that at all. My work has always been in mainstream films, not the exploitation type and certainly not video. That's an education in itself that I think I'll have to learn.

As to what I could bring to them, I hope that I could bring my expertise of the last 40 years as far as technical knowledge perhaps and as a liaison with the distribution companies in 35 millimetre. I realize there's other work involved as well, but that would be where I would think I might fit in to use my knowledge of the past.

Mr Villeneuve: I guess I, as a person of the public, would immediately think of two issues when we hear of the Ontario Film Review Board and that would be violence and sex, not necessarily in that order of importance. Could you possibly explain to us where your thoughts are and how far you would allow films to go in both of these areas? I know

that's a very grey question, but you will have at some point some decisions to make based on your conscience and what you feel the public of Ontario can absorb and possibly what the public of Ontario should not be exposed to.

Mr Brager: I think, first of all, there are guidelines as far as the different categories are concerned: family, parental guidance and restricted. I'm certainly not aware of all these guidelines and I think that regardless of personal viewpoints, to do the job properly and to the best of my ability, I'd have to be governed by those guidelines. I realize there's quite an area in the guidelines.

I think on a personal basis my main concern, being a father and a grandfather and so on, is violence definitely that seems to be coming forth more and more. Certainly there are always probably fast-buck film people who are out there who want to show their film, regardless of quality and so on, to make money. But I think that my knowledge of the review board has always been that it's handled things in a good manner, I would say.

They have to review what comes to them; they don't have any say in what they see and what they don't see. I think on that basis they've been very diligent in handling what they have seen. Certainly, again talking on the distribution side, I know there have been arguments and discussion about categories that a film would be placed in and so on, but again there is an appeal process that has worked very well, and I say this as distribution again. I think it's been handled very properly.

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Mr Villeneuve: Have any films that you've been involved with gone before the film review board and been censored or had problems?

Mr Brager: Censored? You mean by—

Mr Villeneuve: Or cuttings, or whatever.

Mr Brager: No. We have had problems in classifications.

Mr Villeneuve: In other words, you would have preferred to see a different classification, as someone who is involved in the production, as opposed to what it finally wound up as?

Mr Brager: Yes.

Mr Villeneuve: Could you expand on that a little bit?

Mr Brager: For argument's sake, and depending on the picture involved, the classification board could give you a Restricted category, which means people under 18 couldn't see it, and perhaps the distributor would want an AA category with warnings and so on and so forth, which means people under 18 could see it. Now it could also work in reverse, that the producer or distributor isn't interested in having people under 18 see it because they realize it is an adults-only picture and perhaps the board in its wisdom has given it an AA.

There have been some appeals, I would say mostly with Restricted, by the board and the distributor hoping it would be AA. Some of these appeals have been won and some of them have been lost. I think that's fair game.

Mr Villeneuve: There have been situations where when controversy occurs it's a bonanza for the film itself,

because it does get in the front pages when there's controversy between either the film review board, the censors, and whomever or whatever. Publicity seems to be the name of the game. Could you comment on that a bit, again from your experience?

Mr Brager: Yes, I've seen cases like that. I remember years ago in Ontario there was a film—Hieronymus Merkin, I think the name was, if I'm not mistaken. Anyway, I think the board passed it, but it was a court case and that gave it a lot of notoriety. There are other cases where I know distributors have threatened to go public perhaps. I don't know if "threatened" is the right word, but they have said they would go public unless they could get what they considered as justice from the film board.

I would say that 99 9/10 of all cases I know of have been settled amicably between the distributor and the film board by the appeal process, and I think most distributors have been satisfied with the appeal process. They realize there are differences of opinion and that's all you can do. But certainly you're right in that notoriety through the newspapers and so on and so forth tends to create more publicity and perhaps tends to create more people wanting to see the movie, and it has the adverse effect to maybe what it should be.

Mr Villeneuve: Do you feel that with the home video industry now, you have real control over what the people of Ontario will and will not see?

Mr Brager: As I mentioned before, video is a new education for me altogether. I've just never in my working years had anything to do with it, except to go into a store and buy it like everybody else. But I know they do review every video. I think it's necessary, no question about that, and I think it's certainly having a lot more of a handle on it than if they didn't do anything.

Mr Villeneuve: Thank you very much. I am very much a novice and I'm here to learn. Thank you.

Mr Brager: I feel the same way.

The Chair: Mr Frankford, would you like to ask some questions?

Mr Frankford: I was going to ask the same question. With videos, is it really practical any more? Presumably there are far more video films out there than theatrical films and the ease with which they could be brought across the border or whatever.

Mr Brager: You mean is it practical to still have the review board look at them and so on?

Mr Frankford: Yes.

Mr Brager: Oh, I believe it is, yes, because I think it would just keep more of those coming across the border if you didn't. I think the big majority of people still go into video stores to buy them as opposed to the ones who would bring them across the border illegally or anything like that. I think if you didn't have that review process, there would be more and more fast-buck operators putting videos on shelves, or trying to, and more and more lowering of standards perhaps, so I would say definitely.

Mr Frankford: There must be some very specialized films, foreign-language films, films for ethnic markets. I

believe India in fact produces more films than any other country. Do those all have to be reviewed?

Mr Brager: You're talking videos or films in general?

Mr Frankford: Both.

Mr Brager: Yes, they're reviewed. That's my understanding. I haven't been too close to it, but I think when a foreign film comes in, the producer or distributor has to give a worksheet of the dialogue in English and so on and so forth. That's my understanding anyway.

Mr Rizzo: Are you familiar with the classification of the films?

Mr Brager: Yes, I think so.

Mr Rizzo: Would you like to see any changes in it or do you think they're okay the way they are now?

Mr Brager: I think it covers the spectrum pretty well of the films that are coming in. I'm an endorser of the information pieces—I like that idea very much—violence, nudity, sexual or whatever. I like that, but as far as the classifications, I think it's worked well.

Mr Rizzo: There are certain libraries that offer videos to their clients. Do you think the same libraries should be able to distribute videos that are on the market now or should there be some restrictions on that?

Mr Brager: I'm sorry, I didn't understand.

Mr Rizzo: Libraries not only give out books, but many have videos also. Some libraries are restricting the type of videos they are distributing to people. Do you think there should be such restrictions?

Mr Brager: They're restricted because of the material involved?

Mr Rizzo: And the type of classification, yes.

Mr Brager: Again, I assume what they do bring in has been reviewed by the board. They don't have any special licence for that. I'd like to hear their argument pro and con as to why. If it's an exploitation-type film in their opinion, then maybe they are justified in not bringing it in.

Mr Rizzo: By finding out the information, do you believe they may have some justification in terms of what is going to be distributed to the public in one way through a private business, why the same material cannot be distributed through libraries?

Mr Brager: Yes, I understand. I don't know if it's just that there's so much volume that they couldn't handle it all anyway or they're handling a certain type of historical or geographical movie as opposed to a regular Hollywood type.

Mr Rizzo: I think that's a coverup, maybe just an excuse that they cannot handle the volume, but the real reason may be because some library board members don't see the work of the Ontario Film Review Board as very progressive.

Mr Brager: Yes, I understand. Basically, if they carry all the books, they should carry all the videos. I don't think there would be any discrimination there.

The Chair: We'll move on to Mr Bradley.

Mr James J. Bradley (St Catharines): My first question relates again to videos. There seems to be a lot of interest in those these days, probably much to the chagrin of people in your business, the original business at least. There are videos that are classified or deemed illegal by the federal government, they're smuggled into the country and classified or deemed illegal by the federal government and smuggled into the country. They're being rated, but not banned, by the review board. Representatives of the police forces who combat these videos coming into the country are certainly concerned about that, the widespread access to their view of pornography, especially what's referred to as kiddie porn. Do you believe the board, if indeed this is happening, should be classifying movies the federal government deems to be illegal for viewing in the province of Ontario?

Mr Brager: That's quite a question. I didn't know this practice was in use today, to be honest with you. I'd like to hear the justification of the Ontario film board for adhering to that practice; I guess there are two different agencies at work. But again, if the review board has a mandate to do that, then it might have to go through with that procedure. I suppose the bottom line would be if somebody wanted to lay charges with the police against it. I couldn't comment otherwise.

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Mr Bradley: speaking on behalf of the community, as you're supposed to be exercising community standards, do you believe the board should have the power to ban outright films in the province of Ontario instead of simply classifying them?

Mr Brager: Yes, I think they have that power, and I—

Mr Bradley: Do you believe they should have that power: To completely ban a movie considered inappropriate for showing in Ontario?

Mr Brager: Again, with appeals, by going through the proper channels and so on and so forth.

Mr Bradley: Censorship is always difficult to deal with; you're as aware of that as anybody. A decade ago, if we'd been in this committee, senior and well-respected members of the New Democratic Party would have been arguing heavily and passionately against virtually any form of censorship. Viewpoints change over the years, and people from various parties and so on would have perhaps changed their viewpoints.

Today there is some concern being expressed not only about violence and explicit sex, which many people have a problem with, but also with the portraying of any particular group in society in a way which is considered to be inappropriate, denigrating or inferior. Do you believe the film review board should in fact be censoring, clipping and removing from the films those parts of a film that portray, for instance, women—there are many people who say they portray women in certain ways, racial minorities in certain ways or other minority groups within society. Should that be subject to censorship?

Mr Brager: I would say basically no, because I don't know where you'd start and where you'd finish clipping. Community standards certainly come into it. Warnings: If

you put information pieces on a film, that perhaps could soften the blow to a particular race or religion or gender, but I don't think I would say snip them.

Mr Bradley: Excuse my ignorance of this: I don't know whether the board has the power to reclassify films, but there are now some films coming back which have what most of us would consider to be an outdated viewpoint of individuals in our society. There's a controversy going on over, is it *Showboat*, in North York at the present time. The way some of those were originally written, in the context of the time they were written, those kinds of movies or shows portray people in a different way from what we would consider to be acceptable in 1993. Do you believe those films should be banned or clipped or censored in any way?

Mr Brager: No. They might, like you say, have to be reclassified, but I don't think I would be an advocate of banning.

Mr Bradley: I'll move to another; we're obviously short of time, so I have to go from one to another. Slasher films have also been the subject of some controversy, especially as children get to see them. Those are the ones where they cut people up in a thousand pieces or something like that, with a knife. They're quite violent. I guess some people consider them funny in a horrific way. You know how people, kids particularly, laugh at these things that happen. They don't consider them reality, I suppose. Yet we see within our society some of that happening in reality. What are your views on the so-called slasher films?

Mr Brager: I've heard that term, "slasher," but I never knew what they were until you just mentioned them now.

Mr Bradley: That's what I think they are, anyway.

Mr Brager: Personally, I abhor them, certainly as far as my children and grandchildren and my own standards are concerned. I think you have to live with some of them, but I have no idea, probably, of how low they've sunk even in comparison to some 35-millimetre, mainstream Hollywood pictures, which are certainly violent enough; I'd have to see that with my own eyes.

Apart from that, I think the review board has the guidelines and the power to ban or to put it in a restricted category with a lot of warnings. Once the board has passed a film—I know of a film, though I'm not 100% sure it was in Ontario, that after being passed, there was such an outcry that it was taken back and banned or perhaps cut, censored, to justify more what the community standards would be.

Mr Bradley: I think there might be a little time for a last question, on language used in films. I know that's considered to be the least offensive, I suppose in many ways people say that words can't hurt you and so on, but there's a feeling in a good segment of the community that you can't go to a film any more without listening to obscenity every second minute of the show. It makes it uncomfortable for people who find that offensive, yet they like to go to some good films. It's very difficult to take kids there or to bring a video home and show it without listening to all this language. At least with the parents, it makes their faces turn red sometimes.

Do you have a view on the adult accompaniment films—or the ones that aren't the strict Walt Disney ones; I don't know what the next category up is—that kids can go to but still have to listen to a large number of words? I don't think anybody really does speak that way, but kids then in the school yard, when you walk by, tend to use the same language with relative impunity. Do you have a view on language in that kind of films? I'm not talking about the restricted ones, where you would expect it.

Mr Brager: On a personal basis, I certainly share a lot of your concerns as far as language is concerned. As a matter of fact, I think some of the language used unnecessarily waters down the whole concept of the movie. At the same time, I think the language is the least offensive part of the movie, again perhaps through community standards. I think the movie people would say that the language is mirroring what's happening in the school yards, not promoting what's happening in the school yards. I don't know which way that goes, but that's what they would say.

Mr Bradley: Do I have any more time?

The Chair: A quick question.

Mr Bradley: A quick question would be on going to the video store and being able to determine what you can take home. I've had parents complain to me that they look at a title and it looks very innocent, but *Snow White* and the *Seven Dwarfs* has a little change to it or something: They think they might be getting the old *Snow White* and the *Seven Dwarfs* but they find out it's a lot different than they had anticipated. Do you know how we can overcome that problem? We've talked a bit about labelling. I think that's important.

Mr Brager: I think the video manager or the video owner could do a big part in that; they're going through his cash register. Education would be the biggest tool, I think. I'm not sure whether they put warnings on videos like they do on 35-millimetre films.

Mr Bradley: I can't operate a videocassette recorder yet. I still haven't reached that, so I don't buy them, but I've heard that complaint. No doubt the Chair has heard that as well.

Mr Brager: I've heard of it happening too. I think there are a couple of different versions of *Alice in Wonderland*.

Mr Bradley: That's right.

Mr Brager: As I say, the video operator would certainly be a good place to start. There's no question about that.

The Chair: Thank you very much, Mr Brager. We appreciate your appearance and wish you well.

That concludes the morning session. I neglected to mention that Rob Nishman is joining us from legislative research and will be helping out David Pond and sitting in for David on occasions as well. We all welcome you, Rob, to the committee.

Mr Bradley: Is this bureaucracy gone wild?

The Chair: We'll break for lunch, and we'll see you all back at 2 o'clock.

The committee recessed at 1151.

AFTERNOON SITTING

The committee resumed at 1409.

The Chair: I see a quorum, unless anyone challenges me on that.

PAMELA BORGHESEN

The Chair: Our first witness this afternoon is Pamela Borghesan. Ms Borghesan, would you like to come forward and have a seat please. Welcome to the committee. Ms Borghesan is an intended appointee as a member of the Ontario Criminal Code Review Board. She was selected for this review by the official opposition, the Liberal Party. Before we ask Mr Cleary to begin questioning, would you like to say something briefly before we get under way?

Ms Pamela Borghesan: I have no initial statement.

The Chair: Okay, fine. Mr Cleary, would you like to begin?

Mr Cleary: Welcome to the committee. I guess the first question is that I would like to know how you found out about that. Were you approached or did you just have those interests in mind?

Ms Borghesan: How did I find out about the opening?

Mr Cleary: Right.

Ms Borghesan: I wasn't approached by anybody. A colleague of mine, whom I articulated with here in Toronto, was aware that the committee may need members and just informed me to apply to Health if I was interested in the position, so it was my own application that was submitted.

Mr Cleary: If it was your own application, you must have some views and some changes that you'd like to see take place. Do you have some type of agenda?

Ms Borghesan: I don't have any personal agenda in particular. I haven't considered any changes that I would want implemented. My area of interest is in criminal law and mental health law and I would just like to pursue those interests.

Mr Cleary: Those are all the questions I've got.

The Chair: Mr Villeneuve, do you have any questions?

Mr Villeneuve: Thank you very much for being before us. You would have a say in the Lieutenant Governor's warrants, as a member of the committee. Could you give us your ideas as to convicted criminals? Many of them are allowed to leave their place of incarceration under Lieutenant Governor's warrants. Could you just give us your thoughts on that? Would you feel the rules are too loose right now? Should they be tightened up? Should there be Lieutenant Governor's warrants at all?

Ms Borghesan: I believe the system of Lieutenant Governor's warrants is predicated on mental illness. In that respect, those offenders who are considered to have a mental illness differ greatly from your average criminal offender, so I do believe there should be some sort of process to divert them from those other offenders.

With respect to release from places of incarceration, I think definitely there are different factors that go into the

consideration of whether or not they should be released and those should be considered at separate hearings.

Mr Villeneuve: Many solicitors—and you are now one I gather, you are done articling and you've been called to the bar.

Ms Borghesan: Yes.

Mr Villeneuve: Congratulations.

Ms Borghesan: Thank you.

Mr Villeneuve: Many solicitors, in the defence of criminals, quite often appeal to the courts under problems—psychiatric problems and others—and the idea comes forth that after they've been incarcerated or under some sort of managed environment they overcome these. Could you maybe express your thoughts? I realize that all cases are pretty well individual and I won't paint you a case scenario, but that's been a pretty big problem in people out on Lieutenant Governor's warrants creating havoc again.

Again, I go back to that Lieutenant Governor's warrant for solicitors who use this, and we've got some ongoing cases. There's a pretty prime one going on in Ottawa right now where someone will likely be incarcerated; however, the lawyer defending this person is very much using that. I don't know when these people acquire or resume their normalcy. In your opinion, and I want you to give me your personal opinion, do you feel that should be strengthened, that there should maybe be a trial period where someone would not be allowed to simply walk the streets as a normal, average citizen after a murder?

Ms Borghesan: I believe, if I'm correct, the Supreme Court of Canada has held that there indeed has to be a hearing to determine whether or not they should walk; there's not an automatic incarceration once they've been found not criminally responsible because of mental incapacity. I believe perhaps in some instances the requirement of public safety has not been properly canvassed, and that should be a strong requirement at any hearing at the criminal code review board.

Mr Villeneuve: I see a lot of your studies have been done in the Kingston area. Is Kingston home?

Ms Borghesan: Yes.

Mr Villeneuve: It's great to have someone from eastern Ontario on the board.

Ms Borghesan: Thank you.

Mr Bradley: You're so parochial.

Mr Villeneuve: We don't have enough from that end of the province.

The Chair: Mr Villeneuve, would you mind if I took up a few minutes of your time, since you're not using it all?

Mr Villeneuve: By all means.

The Chair: This is an area that I have a significant interest in because I have a forensic facility in my own riding, and we've had a significant number of incidents, unpleasant in nature, over the past number of years of forensic patients being let out in the community on loosened

warrants, or a warrant being lifted, and committing very serious crimes, including murder.

One of the things I'd like to know your views on is the rights of victims and their families. I dealt with a situation in Brockville, where a little boy was murdered in Toronto. This chap was in the forensic system, was let out in Brockville and was working in a bakeshop. He wasn't monitored as well as he should have been by the folks in the facility, and he came close to murdering another individual. Over the years, the mother of the boy who was murdered had been so frustrated in her attempts to try and track where this guy was, and she didn't know that he was out in the community. Every time she had attempted to appear before the review board, as it was at that time, her efforts were frustrated. She never had an opportunity to give her views on what this man did to her and her life and her family's lives and how she viewed it in terms of releasing him to the public. I'd just like to know if you have any views about victims and victims' rights and how they might apply to your responsibilities.

Ms Borghesan: It's my understanding that it's the chair's responsibility to determine the admissibility of such evidence at a hearing. However, if it was determined to be admissible evidence, I think there is a certain degree of relevance that should be attached to it, and a fair degree of weight should be given to that sort of evidence. However, I really don't think it can be determinative of an issue, or at least determinative of the final issue of whether or not to hold the patient or release him. But I do think it's worth consideration by the board.

The Chair: What about notification in terms of allowing the victim or the family to know where this individual is and when he may be out in the community? There are concerns; I've bumped into other situations where victims, particularly women, are very much concerned about the implications, about this individual being out in the community and coming after them again, if you will. There is not, to my knowledge anyway, any provision or requirement for notification of victims. How do you feel about that?

I guess what I'm looking for is someone who would be an advocate for victims, and I think there's little of it in the system. I know the judge who headed up the review system—and I got this third hand—said he didn't want any of that sob story stuff, and I have a lot of trouble with that.

Ms Borghesan: Yes. I think there is a difference between notifying the victim and his or her family and notifying the general public, which seems to be a big issue these days. I think you're correct that the system doesn't provide for too much of that, and perhaps that's to be remedied by the system, because there's also the issue of infringement of the patient's or offender's rights; that has to be considered, but that is not the only consideration.

The Chair: The rights of offenders seem to be paramount in our society. I won't take up any more of your time, but I hope certainly you'll keep those kinds of concerns in mind.

Mr Frankford: As a student, you were involved in some cases with Lieutenant Governor's warrants.

Ms Borghesan: Yes.

Mr Frankford: Can you elaborate on your impression and perhaps talk about the difficulties or otherwise of determining mental capacity and dangerousness?

Ms Borghesan: I sat in on a couple of hearings and watched the process. In the specific instances that I had experience with, I don't think there was too much difficulty because under the circumstances I observed it was obvious to everybody that the individuals were suffering from grave mental disorders and should be detained in custody.

I think there are going to be issues of difficulty when the individual seems fine and the psychiatric reports don't indicate any special problem, and yet there's the interest of society to be weighed against those factors. In those circumstances, the individual case will have to be looked at on its own facts.

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Mr Frankford: Is it your impression, either from what you've observed here or from studies—I'll rephrase it. Would you like to comment on the difficulties for physicians and psychiatrists to make assessments of capacity and dangerousness?

Ms Borghesan: I'm sorry. Could you repeat that?

Mr Frankford: Would you like to comment on the difficulties for physicians and psychiatrists in particular to make judgements on capacity and danger to the public?

Ms Borghesan: Not having a background in that area, I'm not sure how much I could comment on it. I'm not sure of their criteria, on what they base their assessments. I know that as a member of the board you have to take their assessments at face value and give them the weight they're worth.

Mr Frankford: So is it your impression that you will be depending very much on those professional judgements or is it something that—

Ms Borghesan: It's a factor to be considered among the other evidence.

Mr Frankford: But you as a board member, and in your case a lawyer, will have to form your own judgement based on interviews and reports from other people who have been taking care of the individual.

Ms Borghesan: Yes.

The Chair: Mr Wood, do you have any? We'll move on. Mr Bradley.

Mr Bradley: If I were to reflect the viewpoints of the public I represent in my constituency, the majority viewpoint would be that there is a general feeling out there that people are being released from confining circumstances and are a threat to innocent people in public. Their view would be that boards of this kind do not have on those boards people who reflect those points of view. I understand that in judicial circumstances or quasi-judicial boards it may be important, or in fact it is considered to be important, to have people who know the law well and who are experts in some field.

The concern I have is that the people who sit on these agencies, boards and commissions simply seem to be totally out of tune with what the general public believes, and as a result all of us who are members get telephone calls

from apprehensive people and we have to simply say there's a system there.

A general question, and I had the disadvantage of coming in a bit late because I was in another meeting: Is it your view that in the past the Lieutenant Governor's warrants were abused, that the ability to keep these people in institutions was in fact abused, as some learned people of the law have contended?

Ms Borghesan: I'm afraid I couldn't comment on that, not having been in the field for many years and not having any statistical data. I don't feel I could make a comment in that area.

Mr Bradley: Do you believe that, because there is a suggestion out there—and I think people recognize that in some cases people are going back into the community. We want to make that as good an experience for the general public and the individual as possible, that person being integrated back in the community. Is it your view, in whatever experience you have to this point in time, that the resources are adequate to handle people where there might be some question about their committing another crime? In other words, are there sufficient resources out there, whether it's probation officers, whether it's people who work in the medical field, to ensure that these people are not going to commit a crime after they've been released or while they're under some kind of supervision?

Ms Borghesan: I don't think any system could be infallible. Definitely there are areas set up to deal with those concerns. Perhaps some restructuring or reprioritization of their mandates is in order. I note that one factor the Criminal Code urges people on the board to look into is reintegration into society. I think if that factor was canvassed in more of those areas that you speak of, the social network, it could be a more effective system. But, as I said, nothing's going to be perfect.

Mr Bradley: How much weight is given or should be given to the viewpoint of the family of—in this case we'll say the offender? At one time, when I first sat in this Legislature, there were some people who were on the cutting edge of things in terms of reform who said—and I'm getting away a bit from these individuals, but it's in the general field—that psychiatric patients' rights were abused, so there were amendments made over the years to the Mental Health Act which have now convinced many families of these individuals that they have a much easier time getting out than they used to.

I guess the question is, how much weight should be or is placed on the viewpoint of members of the immediate family who may have kept in contact with that person while that person was incarcerated or held in an institution for psychiatric patients?

Ms Borghesan: If the family can offer no support or no basis for their opinion, I don't think the weight should be all that much. If, however, they can offer something concrete that they would offer the offender upon release, then that should be given more weight than a family that just says, "I want that person out." You're speaking of the family of the offender, correct?

Mr Bradley: Yes, I am.

Ms Borghesan: I think there has to be something concrete offered before it would hold much weight, more than just moral support.

Mr Bradley: Recognizing that everybody you're going to consult has perhaps a bit of vested interest, how much weight should be placed on the viewpoint of the police authorities, either on the provincial basis or on a local basis, on the viewpoints of those individuals?

Ms Borghesan: With respect to release?

Mr Bradley: Yes.

Ms Borghesan: I think police often have a better grasp of the pragmatics of the area and the situation than they're given credit for. In the right circumstances, the police opinion can hold quite a bit of weight, especially if there's been extensive investigation into the offender and the background and the crime and the prevalence of the crime, that sort of thing. Also, the police can often reflect community views which may not have a forum otherwise.

Mr Bradley: At the risk of repetition, because you may have addressed this question already, but if you would be kind enough to address a response to this question, do you believe that the identity of these people should be made known to the municipality or locality in which they're being released, the identity being visual and name and perhaps the place they're going to reside? Do you think that is fair? Do you think it's reasonable? Do you think it should not be done?

Ms Borghesan: I think if it is going to be done, there have to be parameters set up about what sort of offender's identity is going to be released. I differentiated earlier between releasing that information to the victim's family and to the public in general. I do believe there can be rights infringements of the offender. I'm not convinced that in every case that would trump the public interest. I think in some cases the public interest requires notification.

Mr Bradley: I would simply ask, because you will be appointed—there's no chance you will not be appointed by this committee, I assure you of that, because the government has the majority—whether the opposition likes it or not. We may well like your appointment, but the government will call its majority at the right time.

I would simply ask this, and you may consider it very presumptuous on my part and you may simply ignore it, because you will be independent in committee, but I hope you will communicate to the committee the concern of at least some members of the committee about the rights of victims and about the apprehension of the community and the general feeling that is communicated to some members of the Legislature at least that the system seems to be totally backwards in terms of who gets protected and who doesn't.

You may wish to share that viewpoint. I'm not saying it's the majority of the committee, I'm not saying it's anyone other than those who have expressed views, but I get the feeling that people who sit in judgement are just totally detached from people out in the constituencies who are beside themselves over what's happening out there. I'll just leave that with you.

The Chair: Thanks very much. We conclude your appearance and we wish you well, Ms Borghesan.

Ms Borghesan: Thank you.

1430

LINDA SHEPPARD

The Chair: The next witness is Linda Sheppard. Welcome, Ms Sheppard, to the committee.

Ms Linda Sheppard: Thank you.

The Chair: Ms Sheppard's an intended appointee as a member of the Ontario Film Review Board. You were selected for review by the Liberal Party, the official opposition. Would you like to say anything briefly before we get into questions, or move right on?

Ms Linda Sheppard: I don't really have a statement. I thank you for agreeing to question me. I'm here, obviously, because I'm interested in this appointment to the review board and I look forward to your questions and trying to answer them as well as I can.

The Chair: Thanks very much. Mr Bradley will begin.

Mr Bradley: Was there anybody who suggested you apply for appointment to this board or did you of your own volition decide you would be interested in this?

Ms Sheppard: The way it came about was through a personal contact of mine. I learned there were going to be some appointments made to the film review board and at that point I started to think about whether it was something I'd be interested in applying for. I decided it was and I followed it up from there.

Mr Bradley: What qualifications or expertise do you believe you bring, if you could express it yourself rather than looking at a résumé and having somebody else express it? I think there should be a great cross-section of the people and I'm not saying there's a set of qualifications that somebody's on, but what do you believe you would bring to the committee that perhaps someone else would not?

Ms Sheppard: Specifically to my own work experience—because I have been involved in the children's publishing industry for the past 16 or 17 years, I think that would be useful background to bring to the work of the committee, particularly since a lot of the work has to do with classifying films with the interests of children at the other end of that classification.

I worked for a publishing company and was responsible for developing its list of children's titles for about 10 years—actually longer than that, 15 years—and I've been freelancing for the past four or five years, also in the children's book industry. That has kept me involved with children's cultural activities, not just in print but also in film and video. As part of that work one is always deliberating about what is appropriate, not appropriate, for children at various ages and stages.

As a specific example, last year I was involved as editor and co-publisher of a series of books called Degraasi Talks. These books were based on the video series shown on CBC TV that you look as though you're familiar with. There were a lot of questions in terms of what's appropriate

to put into print, because those programs—if you saw them you know they dealt with some very nitty-gritty issues involving teenagers and problems that teenagers have. I think it's that awareness, that work experience, that qualifies me to apply for this appointment.

Mr Bradley: Do you believe the board should censor or simply classify?

Ms Sheppard: It'll take me a minute to answer that. Is that all right?

Mr Bradley: Sure, I understand.

Ms Sheppard: I'm aware of both sides of the argument about censorship and because I have a publishing background—as you probably know, the whole question of freedom of expression and censorship is a very contentious one. When I think about it often in print, I get persuaded by the argument as to where you draw the line when you're talking about censorship.

However, in looking at the work of the review board, I think my position isn't totally consistent, because I do see the value of having the power to censor when it comes to some of the material that I believe is available, particularly in adult sex videos. I think my concern here really stems from the whole issue of violence, particularly violence against women and children, which I think is a growing concern in our community. I believe from the reading I've done that it's not possible to say scientifically whether or not these images do have a destructive effect on people's attitudes and behaviour, and in this area, I think I would like to be conservative and say that it makes sense to me to use the power of censorship that the review board has at this point in time.

Mr Bradley: We often think, when we deal with these issues of pornography, of censorship, of violence, of the effect on people who are viewing it. What weight should be given to the effect on those who must be the actors and actresses, recognizing that a lot of what is portrayed may be camera tricks and so on? In a lot of cases it's not camera tricks. A lot of people forget that people have to make these films somehow. There have been some rather celebrated cases of people who've written books after they've made films of this kind who said it isn't a very pleasant thing. What weight should be given to that aspect of it, consideration of those who must make these movies and the fact that if they're allowed to be seen, those people will continue to be in the circumstances of making the movies?

Ms Sheppard: I have to admit that's not an aspect of it that I've given a great deal of consideration to, because I was thinking of it more, as you said, in terms of people watching. I'm not aware of the books that people have written, either. I think that's a problem, as you've outlined it. I see it probably as less of a problem than the problem that's created by people viewing the images.

Mr Bradley: There are people who have offered complaints about movies—of course, the pornography and violence in particular are almost taken for granted—which portray people of certain ethnic backgrounds, religious backgrounds, lifestyles, women in many cases, in a light which is either not accurate or is degrading or demeaning. Do you think those movies should be censored?

Ms Sheppard: Yes, I do. You've lumped a number of things together in that question.

Mr Bradley: That's because we have only 10 minutes to ask questions.

Ms Sheppard: Behaviour that can be easily described as dehumanizing or degrading I think is probably where it's easiest to say, yes, that should be censored. But I think you also alluded to some broader issues about people from various racial backgrounds who might be portrayed in a negative way.

Mr Bradley: Portrayal of native Canadians and native Americans, aboriginal peoples, over the years has not been very favourable, until recently perhaps, and also portrayal of people of different racial backgrounds and so on. There are old stereotypes out there, yet they may still make their way into movies. I guess I'm asking if you believe that should be chopped out, or should the people simply be warned that this is the case?

Ms Sheppard: At the moment, in all my reading about the way the review board works, it's based on what is perceived as what community standards are. Those particular instances that you have mentioned I guess would fit more into the mandate of the board to give information about rather than to censor.

Mr Bradley: I think of Aladdin as one.

Ms Sheppard: Exactly, right.

Mr Bradley: In terms of a live show, Showboat is the one that's caused the controversy now, the way it portrays people. Some people of the Arabic community have said Aladdin sheds an unfavourable light on people of Arabic background, and people who are Afro-Canadians or Afro-Americans in many cases feel that Showboat certainly doesn't portray people of their background in a favourable light at all.

Ms Sheppard: I sense that the community probably isn't at a position where it would support censoring these materials, but I also sense that is a growing issue of debate. It probably falls within the mandate of the review board to engage in ongoing discussion and consultations around these issues to see whether there is a point where the community says, to which the review board has to respond, "It's time to take stiffer action," or "It's time to improve your educative function." At the moment, I think a lot of the work of the review board is not widely disseminated. Even with the classifications, if you go to your video store, they're not on the video, so how do you know what they are? You have to look in a catalogue, which we all know nobody does.

1440

Mr Bradley: I guess the words I want are "politically correct." Should movies be politically correct?

Ms Sheppard: I'm saying that the review board has to talk to the community about this. I don't think there's a yes or no answer at this point.

The Chair: We have to move on. Mr Villeneuve.

Mr Villeneuve: Thank you very much, Ms Sheppard, for being with us this afternoon. You have a very

impressive résumé. I notice that a few years back you were a researcher for the Liberal Party of Canada. Are you still sympathetic to those folks?

Ms Sheppard: No, I'm not.

Mr Villeneuve: Do you have any political affiliations?

Ms Sheppard: I do. I'm a member of the New Democratic Party.

Mr Villeneuve: Having said that, there are strange statements about the road to Damascus and what have you in this Legislature. We're not going to pursue that any further.

How effective do you think the Ontario Film Review Board is in light of satellite dishes and videos, which you referred to, and the films that are seen by residents of Ontario? Do you feel you will have any teeth as a member of the board?

Ms Sheppard: I think that's a good question. I read the report the Ontario Law Reform Commission did on the activities of the board, and I think there were some good suggestions in there on how the work of the board could be made more effective in terms of making the information more widely available. They suggested that perhaps the classifications that are given to films could be stickered on videos and video boxes, which I think is worth considering. I don't know if any of these things have been done since that report came out, because I have no way of actually finding that out. That was one thing that could be done. Also, with the information pieces the board can attach to a film, there don't seem to be any regulations that make it mandatory that these be big enough so people will actually see them and pay attention to them and also know what they mean.

Within existing technology, I think the work of the board is valuable, but it could be made more valuable by some not-too-complicated improvements.

Your question about technology is one that is really hard to answer. We know what is going on at the CRTC at the moment, and the future looks just overwhelming: 500 channels on your television set, pay-per-view, all this kind of thing, which would mean that everything the review board could censor or classify or whatever could be widely available to anybody just by putting your credit card in the TV. I think that's a problem.

I suppose the whole question of reviewing, classifying and censoring films and its effectiveness would have to be debated by the review board to see whether there are steps that could be taken to make it remain effective in the next decade, for example. Possibly that means going to national standards, and maybe it means going to international standards. I'm not sure, but I think those are questions that have to be addressed.

Mr Villeneuve: Certainly the world of technology is ever-changing, and I believe it certainly has usurped some if not most of the power from the Ontario Film Review Board.

As a member of that board—and you will become a member of the board—how do you feel about this: If indeed there is a film you have some strong objections to, the minute that film makes headlines, negative or positive,

it brings its infamy to the public and kind of whets their appetite: "What's in there that maybe I shouldn't see?" The minute that happens, you can almost guarantee that the film is going to be a success, which is the reverse of what we're attempting to do. Do you have any thoughts on that?

Ms Sheppard: I think it's a problem, but I don't immediately have a solution beyond, I suppose, trying to make it very clear why the review board has taken a position on a certain film and justified it widely to the public.

Mr Villeneuve: Your background is very much in publications for children etc. We've been hit lately with some so-called kiddie porn, which to me is very objectionable, yet somehow or other there seems to be a market out there. Do you have any ideas on how we could be treating this in a way so that if the film review board says no, indeed it is no?

Ms Sheppard: You're saying that if the film review board says no, people will go after it?

Mr Villeneuve: That's what happens, and the follow-up question is about violence against women and children in particular. That's become a major problem, yet there are some people who think, "We need to see this." I'm not a filmgoer, but our children from time to time bring home films. For whatever reason, I guess my taste in films and the taste of people who review and give awards to films are not the same. I saw *Silence of the Lambs* and I really didn't think it was much of a film, but it got rave reviews and won awards and what have you. It's a reverse psychology thing. It works upside down.

Ms Sheppard: This is true, but I think the power of censorship and the work of a film review board have to be seen as effective only within certain parameters. Some of the issues you're raising are really broader societal issues. Well, this is all a broader societal issue in that it needs to be dealt with in the broader society, and then it may eliminate the need for, or even the attractiveness of, such films. There has to be a lot of education around violence and improvements in the equality of women. At the same time, I think a lot of this destructive behaviour comes because there's still poverty, there's still child abuse, and that generates a lot of destructive behaviour. Education and a broader societal attack on those bigger issues have to happen at the same time that you're dealing with specific instances of objectionable films by the film board.

Mr Villeneuve: I congratulate you on soon becoming a member of the board. With your experience, I think you'll be an excellent candidate. We'll be watching, from a distance, what happens.

Ms Sheppard: You should call me back in a year and see what I say then. Thank you very much.

Mr Frankford: Following up on your comments about technology and the rapid changes going on and the responsibilities of the board for reviewing videos, I just wonder whether it is possible to do the job any more. It must be very easy to import videos from across the border or wherever. How can the board possibly know that every video produced is going to pass by it?

Ms Sheppard: It probably can't. I think that problem is only going to be exacerbated—don't you?—in the next five or 10 years. Well, in fact by next April: They say we're going to have access to those satellite dishes. You probably read the article in the *Globe* too. It listed all the specialty channels. It didn't say "adult sex channels," but we know they are there. Our population is going to have access to them. That's where I think, as I was saying before, the whole area of what is available on film and video needs to be looked at on a national basis and then perhaps an international basis. I don't know if that's realistic, but I don't see that there are many alternatives.

1450

Mr Frankford: The board reviewers, I believe, do run through films quickly. I don't think you routinely have to see every—

Mr Villeneuve: Fast-forward.

Ms Sheppard: Well, I've been told that fast-forward doesn't mean you're not aware of the images, but because I haven't had a chance to actually do it I'm not sure exactly what that means.

Mr Frankford: I understand Mrs McLeod, at a Liberal dinner, suggested that one of her approaches to cutting the deficit would be to review all 500 boards and agencies. Do you have any thoughts on where the film review board should be on that list to cut the deficit?

Ms Sheppard: No, I don't, but I think that would be a question to ask people who get appointed and then have had a chance to do the job for six months or a year, and then ask that question. I think I'm not in a position to answer.

The Chair: Is there anything additional? Mr Waters.

Mr Daniel Waters (Muskoka-Georgian Bay): Part of the board's current mandate is to reflect community standards in its decision-making. Coming out of that, I'd ask maybe two or three questions for you to comment on. One is, can you tell us about the community or communities that you'll be representing, and also what your understanding is of the community standards, and I guess how the public can be reassured that as community standards change indeed it's reflected in the decisions of the board? I was just wondering if you could comment on all that in one word or less.

Ms Sheppard: I'll try. I was thinking about this and that there are really two ways that the board can deal with or respond to community standards. One is the sort of composition of the board itself. I don't know what the backgrounds of other members of this board are, but that would be one way. By ensuring that the members who have these appointments represent a diverse group of people, you would be dealing at one level with community standards.

The other is that I would see it as part of the responsibility of members of the board to continually monitor, debate and keep informed about specific issues that seem to impinge on the board's mandate to classify and to censor. In particular, I guess at the moment one would think about the whole issue of violence, because I think there is a lot of

debate going on in the community about violence now and about the effect of visual images in both film and video, whether those have destructive effects on people's attitudes and then behaviour. That's an ongoing debate. So in order to keep in touch with community standards, I think that there has to be consultation back and forth.

I have two reports on my desk at this moment about the latest data on television and violence which I haven't had a chance to read, but there they are. I think it's that kind of thing that members of the board would have to keep in touch with and to be always discussing to make sure that what the board is doing relates to community standards as expressed, I guess, in a sort of fairly broad, consensual way.

Mr Waters: The other one that I would just question: When I look at page 2 of the information supplied by the legislative research service, it says four things under section 33 of the act. The board may, after reviewing the film, classify the film in one of four categories; classify it and make approval of its viewing conditional; classify it and make approval of its viewing conditional on the film being shown only in certain locations; and the last one, refuse to approve the film for distribution or exhibition.

I wonder, do we exercise the last possibility as often as we should? I really wonder whether some of the films that are out there are appropriate for viewing, period.

Ms Sheppard: For anybody over 18?

Mr Waters: Yes. I'd just like your comment on that.

Ms Sheppard: Well, we know specifically the kinds of scenes that the board will make a decision to censor on, and those include sex with violence and degrading and dehumanizing behaviour and sexual activities among children, but you're asking about things beyond that.

Mr Waters: I get an impression, and maybe it isn't so much—I'm a small-town country boy, and maybe the values in the rural part of the province are different than what they are in the cities, but I get the feeling when I talk to people within my constituency that they question whether indeed some of these films are appropriate, period. Maybe that isn't taken into consideration when we talk about the community. Maybe there isn't enough reflection of the overall community. I don't know. I was just wondering about that.

Ms Sheppard: Well, possibly that's true, and I guess until I actually have some experience in the way these things play themselves out—

Mr Waters: It would be difficult. You haven't sat on the board yet.

Ms Sheppard: I don't know about the composition of the board. I mean, I don't know about rural versus urban members, actually. Maybe that's a factor.

The Chair: Okay, that concludes the questions and responses, Ms Sheppard, and thank you very much. We'll be voting on concurrence to the appointments later on and I'm sure someone will advise you rather shortly.

Ms Sheppard: Okay. Thank you.

MARY E. SHAMLEY

The Chair: The next witness is Mary Shamley. Ms Shamley, would you like to come forward and take a seat, please. Welcome to the committee.

Ms Mary E. Shamley: Thank you.

The Chair: Ms Shamley is an intended appointee as a member of the Ontario Cancer Treatment and Research Foundation, and her review is a request of the government party. Would you like to say anything briefly before we get under way?

Ms Shamley: No, thank you.

The Chair: Okay, fine. I guess you understand the process.

Ms Shamley: Yes, it has been outlined to me.

Mr Frankford: I notice in your résumé of volunteer experience that you have a number of health-related things: the Thames Valley District Health Council, the Premier's Council on Health Strategy, the Centre for Studies in Family Medicine. Would you like to relate the present appointment being considered to these other things you've done?

Ms Shamley: It seems to be the process that I've entertained since I first sat on the hospital board at Four Counties and have just more or less become interested in the whole health area and how it expands. This one came as a result of some consultations I was doing with the hospital. I became aware of the fact that the regional centre was involved in outreach. As a result of that, we got into conversations and they asked if they could put my name forward to the board.

Mr Frankford: Do you have any thoughts at this stage, and I know it may be difficult, of what you would like to do on the cancer agency?

Ms Shamley: From the little that I know of it, not having been part of it, the things that interest me most are the planning aspects and the whole role of being in touch with the local communities and somehow involving them in the provincial agencies as well so that they feel equal partners.

Mr Frankford: Would that involve any sort of treatment that I think is traditionally associated with a cancer institute? Would you go further into things like palliative care and terminal care, or is that outside the mandate?

Ms Shamley: I'm not sure, not having been part of it, but I understand that the foundation is responsible for diagnosis and treatment and planning and research. My involvement at the local level was around chemotherapy being offered in the community hospital, in sort of an ongoing attempt to have that happen, and I thought that was really quite exciting.

Mr Frankford: In these positions, were you involved in research or did you sort of become aware of the potential for research and perhaps community-based research?

Ms Shamley: I've become aware of the fact that you have to have research, you have to have a clinical base and you have to have the academic base as well, but it has to be very closely in touch, it seems to me, with what people feel they need and they have to be part of the research as

well, it seems to me, and the results of the research. So it's not something that's ethereal; it has to be something that's grounded in the local communities.

1500

The Chair: Mr Waters, do you have anything, to move on?

Mr Waters: I believe actually it's in my colleague's riding just north of me where they've moved some of the therapy into Parry Sound, working out of the Sudbury hospital, because there's a cancer centre there. I would wonder, are you in favour of that type of thing where we can do it so that patients can indeed take their chemotherapy at home, or do you feel that the larger centres are the places to do these things?

Ms Shamley: I think it needs both. I think where it is possible to have therapy offered close to people's homes, then I think that's important, but I think there must be situations in which people would have to travel to a regional centre and we just have to make that as easy as possible.

The Chair: Mr Cleary, do you have any questions?

Mr Cleary: Yes, thank you, Mr Chairman. Welcome to the committee. I see by the information we have that you've really been involved in a number of committees. I even see here where you've been on a municipal council.

Ms Shamley: Yes.

Mr Cleary: I guess the question that I might have for you is, the funding that you get to be able to carry on the duties that are expected of you, do you think that's sufficient?

Ms Shamley: I think expenses have usually been paid in the situations in which I've worked as a volunteer, and I think, yes.

Mr Cleary: Yes, but the amount of money that—I don't know whether these figures are right, I imagine they're right—the provincial government gives you to operate your committee. It said, "The foundation primary sources of funding by the Ministry of Health." Do you think those figures are sufficient or are you familiar with them?

Ms Shamley: No, I'm sorry, I'm not familiar with those figures.

Mr Cleary: Okay. We hear a lot about increases in cancer in a number of areas, and I guess with the experience that you have on all the committees you've sat on, do you think a lot of that could be prevented and would that be the direction you'd like to go in?

Ms Shamley: I'm not sure what the figures might be in terms of prevention, but I think that's one whole aspect in health that has to receive its fair share. Prevention certainly has to have one; treatment, research. I think all of those areas have to be addressed, not treatment alone.

The Chair: Mr Villeneuve.

Mr Villeneuve: Thank you very much for being here this afternoon. You are a consultant; a consultant in the health care delivery, or just what sort of consulting do you do?

Ms Shamley: I'm a consultant in mediation, negotiation, strategic planning. My special area of expertise is in

health care but I get into other areas as well, whenever there's a situation that needs mediation.

Mr Villeneuve: Like ONA?

Ms Shamley: I don't do labour mediations as much, no.

Mr Villeneuve: Could you just name a couple of your client groups?

Ms Shamley: Non-profit organizations that are going through difficulties in their organizations, for instance, might call me in to work them through a problem. On occasion I've been called in to a situation where there's been a personality difficulty and they've simply called me in to see if we could mediate an agreement. In one case I was called in, it was health-related, some home support workers had run into difficulty with a particular client and both parties asked me if I could help them reach a solution, an agreement. It's that kind of situation.

Mr Villeneuve: That gives us an idea of your particular consulting business. You have a very impressive résumé. Mediation and politics sometimes go quite well together and sometimes they don't, but politicians have to be mediators and negotiators. As you see the hospital structure today, with the nursing profession and quite a few of the health service providers mandated to negotiate and not strike, are you in agreement with that?

Ms Shamley: I think, given the kinds of situations that we're operating in financially and economically, we need to be able to reach agreements that are mutually satisfying. That means both employees and employers have to come up with solutions that are long-lasting. That requires a lot of work and energy and I think it has to get us beyond the sort of win-lose situation we've been in.

Mr Villeneuve: Cancer treatment has been very high profile since Terry Fox and Steve Fonyo and many others and many billions of dollars have been expended. Do you feel that basically these dollars are going to the root of the problem or are there too many peripheral areas that may be siphoning some of this money and maybe not quite enough of it is going to research? Have you looked into that at all?

Ms Shamley: No, I haven't, but I would expect that would be one of the jobs that this particular organization was to be looking at continually.

Mr Villeneuve: I'm sure you will be a member of the cancer board. Do you have specific targets in mind? There are cancer drives continuously and certainly we all support them very much, because the big C is a major killer. Do you have any target areas, let's say, that if you were told that 60% of the money that is donated by volunteers, by donors to a particular cancer drive—I think April is Cancer Month—are you familiar with the percentage of the dollars that are actually received go to actual research and how much goes to other things? Are you to some degree familiar with that?

Ms Shamley: No, I'm not, but I would be looking for a balance. I would be looking for evaluation mechanisms to make sure that what is going on is evaluated regularly.

Mr Villeneuve: I think you bring a wealth of experience to the board. Certainly, I personally will be watching, having had ever so short an opportunity to meet you here. I

think it would be great, Mr Chair, if we could bring someone like our appointee in waiting to the board back in a year or two to explain some of the frustrations that you may have had and some of the wins. We as politicians know a lot about frustrations, we sometimes know a little about winning, now and again, but it's not always win-win, as it will be with your board. I like your philosophy and we look forward to your being a very positive addition to that board.

The Chair: Fine. That concludes your appearance here today. I'll echo what Mr Villeneuve said and wish you well. All the luck in the world and hopefully you'll enjoy these new responsibilities. Thanks very much.

CARMER J. SWEICA

The Chair: Our final witness is Carmer J. Sweica. How did I do on that?

Mr Carmer J. Sweica: Pretty close. Sweica as in pizza. That what I tell them.

The Chair: Sweica as in pizza. Mr Sweica is an intended appointee as a member of the Workplace Health and Safety Agency. It's a half-hour review. Would you like to say anything before we kick off the questions?

Mr Sweica: No, I'm open to questions.

The Chair: Mr Villeneuve, would you like to begin.

Mr Villeneuve: You bring some very impressive credentials. Your involvement with the Workplace Health and Safety Agency will be requiring you to make some decisions as the problems come forth. Do you have any particular goals you would like to see as a member of this health and safety agency?

Mr Sweica: Being sort of the new guy on the block, I haven't really thought about it, but as far as I'm concerned, my goal is to see that the workplace becomes as safe as possible, no matter where it is, because goodness knows, we've got enough injuries coming through the system and I'm aware of those through the Workers' Compensation Board. You're never going to eliminate it, but the better we can become in that area, the better it's going to be for everybody and for the province.

1510

Mr Villeneuve: You've been in management for quite a number of years. I gather you've been in management pretty well all of your career.

Mr Sweica: Yes.

Mr Villeneuve: How do you feel about the relationship between management and employees? Maybe you could explain to us what Lackie Bros does.

Mr Sweica: We were multifaced in the sense that we had transportation, we had industrial contracting and also we had a manufacturing facility. In the manufacturing facility, we did have a joint health and safety committee, which I was on, and of course I worked with the employees that way. It was a healthy relationship.

Mr Villeneuve: So you see nothing but some positives here, and your experience from the management end of things coming on to this board, then, would possibly strengthen the liaison between management and the working

group. Do you have specific mechanical ways of getting things to occur at the board level?

Mr Sweica: I have not had experience as yet, but I've had that experience at the Workers' Compensation Board, and labour and management seemed to work together. I feel I sort of have labour on my side. In other words, we're approaching a subject together, and the interest of both parties is to resolve the situation, no matter what it is.

Mr Villeneuve: In my constituency, we often now have the employer attending an appeal by an injured worker to present the other side of the scenario. There are always many sides, certainly more than two sides, when we have an appeal that goes to the WCB. What has your experience been as part of management when you've had an injured worker who possibly felt that he or she was not being dealt fairly with by the WCB? Have you been supportive? Have you been, in certain instances, on the other side? Why have you seen fit to do this?

Mr Sweica: On a number of occasions, I've been at those hearings, the Workers' Compensation Appeals Tribunal hearings that you're talking about, supporting the worker because I didn't think the worker was getting a fair shake by the compensation board over different things. So I was there to support him, and that's management.

Mr Villeneuve: As manager, have you ever been on the other side?

Mr Sweica: Oh, I've been on the other side as well.

Mr Villeneuve: As manager, you pretty well decide from the information that you have, medical information etc, "Yes, this is a legitimate claim," or, "No, this may not be a legitimate claim," and you've been there to express your opinions as management in whatever the dispute was.

Mr Sweica: Yes, and concerns.

Mr Villeneuve: I appreciate that.

Mr Sweica: And trying to be fair to both sides; it's not been a process of being frivolous at all. I thought there were some real issues to be discussed, and that's why I went.

Mr Waters: You're a person who has experience with WCB. I think the intent of the agency was to cut the costs of WCB, cut the number of accidents, cut the pain and suffering for the employee and cut the cost to the employer. Working through the agency with a bipartite committee, do you see that as a possibility, that indeed eventually it's a win-win situation for everyone?

Mr Sweica: Oh, definitely. Nobody wants to see any workers injured at all, because it's of no benefit to the employer or to the worker. The worker's the one who seems to suffer the most rather than the employer.

Mr Waters: Much has been said about the bipartite head, and that's what everybody would like to get at. Although it's at this point probably a bit of head-butting, or there has been in the past, how long do you think before we get beyond this and get down to the ultimate job, which is the safer workplace? Do you think it's something that will ever resolve to any extent?

Mr Sweica: Well, you're going to have your differences; let's face it. I've worked with a labour-management

group with the central Ontario chapter of the construction safety association for quite a number of years, as I think you'll see in the CV, and we were able to resolve problems. Sure you'll fight within the group, as you people probably do too, but we seemed to come out with a consensus on many matters. With the new board, as it's presently structured from the management side, I can see that there's going to be some improvements over the past. Mind you, we're second in line, because the first group was just initiating the stages, but I think it's going to work, and we're committed to that. At least, I am.

Mr Waters: Thank you.

Mr Sweica: You're welcome.

The Chair: Anything else from the government members? Mr Cleary, do you have any questions?

Mr Cleary: Welcome to the committee, sir. I see by what we have in your curriculum here that your work experience goes back to 1949. You must have seen quite a change in the health and safety workplace over those years.

Mr Sweica: Oh, definitely, yes.

Mr Cleary: I guess my question to you would be, with the experience that you have, what would be your aim once you start your new position?

Mr Sweica: Number one is to make the system work. I guess in finance you call it zero budgeting. I guess you can call it a zero injury frequency type of thing. It's utopia, I think. There's always going to be injuries, but our aim, and my aim, is to get this down as low as possible, especially when you consider that yearly in Ontario, there's over 400,000 claims that come in to the Workers' Compensation Board on injuries. Mind you, some of them aren't critical or anything of that nature, but they're still injuries. If we can cut that down and continually cut it down, I think it's good for everybody.

Mr Offer: I know you recognize the tremendous challenges before you and before this agency. I guess my questions are on the basis that we are all aware what happened to the agency. In the past four or five months, a number of the management representatives have resigned, and I think it's clear that they are alleging that there was an interference that required them to resign. I think they're saying that there was an interference in the bipartite operation of the agency. I would imagine that you're here as a prospective representative of the management side of the agency?

Mr Sweica: Correct.

1520

Mr Offer: Are you aware of the difficulties that the agency has not too recently gone through?

Mr Sweica: I'm very aware of it. You'd have to be blind if you weren't.

Mr Offer: In dealing with your particular application, could you maybe shed some light as to the proposal for candidates for the management side? I understand that the ministry itself was considering putting forward candidates to represent the management side of the agency, and I'm wondering if you could share with us whether, to your

knowledge, you were from the ministry candidacy side and whether the management advisory committee has reviewed your position?

Mr Sweica: I know that MAC has reviewed it. I don't know who put my name down.

Mr Offer: I wonder if you could give me your opinion as to whether the work that goes on within the agency should be more open to public—maybe the word "scrutiny" might be a tad harsh, but rather, more for the public to view.

Mr Sweica: How would you propose that? I can't understand the question.

Mr Offer: I know there is a certain issue around confidentiality within the agency and there is a thought that this confidentiality was taken to such an extreme that it has in fact eroded the bipartite, hopefully consensual way in which decisions can be made. There is a view that with opening up the process, one can hopefully recover from the problems of the past and move towards some of the hopes of the future. I'm wondering if you might have any opinion on that.

Mr Sweica: What the management side is now saying is, "We want a proper consultation process," and in a proper consultation process, you immediately open it up to your clients, to whomever you want. Being in a similar situation or mode in workers' compensation, we would go to the consultation people with the understanding that there is confidential material on the table, and that's as far as it's to go. We want input and all kinds of information to flow in to us on certain issues or topics so that we can make a decision that's wide open in that sense. In essence, I guess through that process we're becoming more open and confidentiality is lessened, but there is a confidentiality process or policy in the board.

Mr Offer: Can I ask your thoughts on the type of distance there should be between the agency and the Ministry of Labour? I ask the question because, again, I can't help but remember why management representatives, many extremely qualified as yourself, felt obliged to step down.

Mr Sweica: You know most of them, too.

Mr Offer: I believe they were concerned with the activities of the ministry in the agency. I guess the question is, is there a concern for yourself of the Ministry of Labour becoming too close to this agency and in fact providing potentially a barrier to the agency doing the work it's supposed to do?

Mr Sweica: I don't think they're providing a barrier. I think we should work with the ministry, because we have resources at the ministry that we can call on. Obviously, the way it's structured through Bill 208, we still have to report to the minister, but we're keeping him cognizant of what's going on in the agency so that he's aware of it.

Mr Offer: Is there further time?

The Chair: You've got a couple of minutes left.

Mr Offer: Thank you. On the issue of bipartisanship, do you believe bipartisanship can work? The parliamentary assistant to the Minister of Labour chuckles, and I can full well understand why.

Ms Sharon Murdock (Sudbury): Coming from you, I can understand.

Mr Offer: However, there's a concern about the imposition of votes and whether voting in the agency should be a mechanism of first resort or of last resort. I'd like to get your thoughts on that.

Mr Sweica: The process we have, as you probably know or may not know, is consensus. It's only on, I guess, a major matter that we'll come to a vote, but all our board meetings are based on consensus and it can work.

Mr Offer: There has been some concern over the certification program which had been instituted, the hours and things of this nature. In your opinion, is that an issue which has now been decided and you'll move on to others, or should it be potentially revisited?

Mr Sweica: I don't think it should be revisited. I think all parties are now cognizant of, say, for example, the hours and, of course, other things are being developed around this core certification, like the criteria, evaluation. But it's all becoming part of that particular

program. So I think it's going to be clarified and has been clarified.

Mr Offer: Just as a final question—

The Chair: I'm sorry, you've exhausted your opportunities.

Mr Offer: That was my final question, then.

The Chair: Mr Sweica, thank you very much. We appreciate you appearing here today.

Mr Sweica: Thank you very much.

The Chair: Someone will be letting you know the outcome very shortly. In fact, if you want to stick around for a few minutes, you'll find out first hand.

Mr Sweica: How long will it take you?

The Chair: As the final matter of business, we require a motion to concur with the intended appointments reviewed today. Mr Wiseman moves that motion? Any discussion on the motion? All in favour? Opposed? Seeing none, the motion is carried. Meeting adjourned. See you tomorrow.

The committee adjourned at 1527.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- ***Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
- Vice-Chair / Vice-Président:** McLean, Allan K. (Simcoe East/-Est PC)
- *Bradley, James J. (St Catharines L)
- Carter, Jenny (Peterborough ND)
- *Cleary, John C. (Cornwall L)
- Ferguson, Will, (Kitchener ND)
- *Frankford, Robert (Scarborough East/-Est ND)
- Grandmaître, Bernard (Ottawa East/-Est L)
- Marchese, Rosario (Fort York ND)
- Stockwell, Chris (Etobicoke West/-Ouest PC)
- *Waters, Daniel (Muskoka-Georgian Bay ND)
- *Wiseman, Jim (Durham West/-Ouest ND)

*In attendance / présents

Substitutions present/ Membres remplaçants présents:

Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
Murdock, Sharon (Sudbury ND) for Ms Carter
Rizzo, Tony (Oakwood ND) for Mr Wiseman
Sola, John (Mississauga East/-Est L) for Mr Grandmaître
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr McLean
Wood, Len (Cochrane North/-Nord ND) for Mr Marchese

Also taking part / Autres participants et participantes:

Offer, Steven (Mississauga North/-Nord L)

Clerk / Greffière: Mellor, Lynn

Staff / Personnel:

Nishman, Robert, research officer, Legislative Research Service
Pond, David, research officer, Legislative Research Service

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ISSN 1180-4335

Legislative Assembly of Ontario

Second Intersession, 35th Parliament

Official Report of Debates (Hansard)

Wednesday 10 March 1993

Standing committee on government agencies

Appointments review

Assemblée législative de l'Ontario

Deuxième intersession, 35^e législature

Journal des débats (Hansard)

Mercredi 10 mars 1993

Comité permanent des organismes gouvernementaux

Révision des nominations



Chair: Robert W. Runciman
Clerk: Lynn Mellor

Président : Robert W. Runciman
Greffière : Lynn Mellor



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 10 March 1993

The committee met at 1008 in room 230.

APPOINTMENTS REVIEW

Consideration of intended appointments.

RICHARD D. SCHNEIDER

The Chair (Mr Robert W. Runciman): I'm going to call the meeting to order, Ms Murdock, gentlemen, and we'll get under way with our first witness this morning, Richard D. Schneider, who is an intended appointee as a member of the Ontario Criminal Code Review Board. Mr Schneider, would you like to take a seat, please. Welcome to the committee.

Mr Richard D. Schneider: Thank you.

The Chair: This, as you've probably been advised, is a half-hour review, with 10 minutes allocated to representatives from each of the three parties, and your review is a selection of the Conservative Party. Before we begin the questions, do you have any brief comments you'd like to make?

Mr Schneider: No, sir, I don't.

The Chair: All right. Mr Villeneuve, are you prepared to lead off?

Mr Noble Villeneuve (S-D-G & East Grenville): Thank you, Mr Schneider, for being with us this morning. You are familiar with the Ontario Criminal Code Review Board?

Mr Schneider: Yes.

Mr Villeneuve: Being a barrister and solicitor, you have been practising law for a number of years?

Mr Schneider: Six years, yes.

Mr Villeneuve: Lieutenant Governor's warrants are always of concern. Could you express your personal opinions on the granting of LG warrants and what reservations, if any, you might have?

Mr Schneider: First of all, sir, as you know, the Lieutenant Governor is now formally out of the system and these matters are handled by the Ontario Criminal Code Review Board. I'm not too sure I understand your question in terms of the granting of warrants.

Mr Villeneuve: Do you feel we should be scrutinizing closer approvals for warrants that would allow incarcerated people to basically revert back to the public? Do you have concern over families of victims, families of people who may be incarcerated and granted LG warrants?

Mr Schneider: Naturally, as a member of society, I have concerns about anybody being released back into society after he's committed an offence. Clearly the amount of concern will vary directly with the severity of the offence. I don't mind answering the question, but my personal views, I think, shouldn't be a part of my role on the board.

In fact probably the most difficult thing about this particular role is to set aside my personal views and try to apply the law as objectively and as fairly as I can to somebody coming before the board.

With respect to the role of victims in the process, as you know, there's no formal process for a victim to be a party to the proceedings and, naturally enough, victims are very concerned. I guess the most appropriate conduit for their voice to be heard is through the Attorney General who, upon application, would be made a party to any proceeding. I guess that's the vehicle to get the victim's voice into the process.

Mr Villeneuve: You specifically stated that you wanted to apply the law as opposed to your own personal beliefs and convictions. Are they a bit different from the law?

Mr Schneider: They may be on a case-by-case basis. I don't believe I have any particular aberrant view or bias or perspective with respect to the process in general. I was just trying to say that I think one of the most difficult things, and clearly one of my tasks in the capacity as a legal member of the board, would be to set aside any personal bias or perspective that I did have on a case-by-case basis, try to set that aside and apply the law, as I understand it, objectively.

Mr Villeneuve: You're satisfied with the law as it stands pertaining to Lieutenant Governor's warrants?

Mr Schneider: I think in general yes, I am personally. I don't know whether that would ever be relevant, my own personal view, but as I see it now I think I am satisfied. Of course, there are always procedural snags and snarls that have to be worked out. This current legislation's only a year old and no doubt the system will run more smoothly in the future from a mechanical perspective. But in terms of the process, the legislation as it stands, for the most part I'm happy with it.

Mr Villeneuve: As I'm sure you're aware, many of our good criminal lawyers use or attempt to use the fact that the suspect or the accused may have psychiatric problems at the time the offence occurred and, lo and behold, sometimes shortly after incarceration these are considered to be no longer relevant. I guess this is where Lieutenant Governor's warrants come into play. That's an area that is of concern to us as parliamentarians because we often have pressures brought about. The victims of crimes particularly lose track of where the perpetrator is.

I guess maybe we'll touch on another subject, that of publishing the name and photograph of a sex offender who may be released. Would you be in favour of that personally?

Mr Schneider: Again, I don't mind answering the question. I don't know that my personal perspective is particularly important—

Mr Villeneuve: I would like your personal perspective.

Mr Schneider: —but my personal perspective is that this is not an appropriate thing to do. First of all, when we're talking about somebody who has been found not guilty or not responsible by virtue of mental disorder, the public has rightly or wrongly decided, through its legislators, that the law should be that these people are not responsible, and they have been acquitted. I don't think that to publish their names or photographs or something in a community is appropriate.

Mr Villeneuve: Regardless of the way victims or families of victims may be in that immediate area and may be targets?

Mr Schneider: I think that concern is a concern that the board would have to address itself to in considering whether this person should be released into the community in the first place. You have to remember that the reason somebody has been found not criminally responsible—that test has very little to do with the test that's applied in releasing this individual into the community. The first test has to do with his culpability or his blameworthiness as a result of his mental disorder.

When he comes before the review board, the question, keeping in mind society's need to be protected from dangerous people and the mental condition of the accused and a variety of other factors, has to do with whether this individual should be released and whether he is a suitable candidate for release, and, if he is to be released, what supervision, if any, should be accompanying his release.

I think the victim's concerns are the same as the concerns of the society at large, and the responsibility of the board is to ensure as best it can that people who remain a danger are released in such a way that that danger is at its lowest.

Mr Villeneuve: Thank you, Mr Schneider.

The Chair: We'll move on with Mr Frankford and Ms Murdock.

Mr Robert Frankford (Scarborough East): Looking at your résumé, you're doubly qualified, as a psychologist and a lawyer.

Mr Schneider: Yes.

Mr Frankford: Could you elaborate a bit on your career?

Mr Schneider: I'm a forensic psychologist. My first career as a psychologist was, for the most part, at forensic services at the Calgary General Hospital, which is a facility in Calgary very similar to Metfords here in Toronto. At the same time, I was teaching at the University of Calgary.

Since I was called to the bar here in Ontario, I have remained most active with the same sort of individual, just in a different capacity. So it seems as though for a number of years I have been involved with the same group of people, but I was doing different things with them.

Mr Frankford: It sounds as though you're rather uniquely qualified.

Mr Schneider: Probably, at least statistically.

Mr Frankford: Yes. Then I see that you've published very extensively. I see that one of your publications in the

Canadian Journal of Criminology was predicting violent behaviour—oh, a review actually.

Mr Schneider: Of John Monahan's book?

Mr Frankford: Yes.

Mr Schneider: Yes, Dr Monahan wrote a very worthwhile text on the prediction of dangerousness and was underlining the importance of addressing factors which typically aren't addressed in assessing dangerousness. Typically, the focus is on the individual, and that of course is only accounting for a certain percentage of the variance in predicting someone's behaviour. To a large extent, it has to do with where that individual is going to be living, the environment that he's going to be functioning in.

In other words, you could take—theoretically, anyway—two identical individuals, clinically speaking, and put them into two quite different environments and your prediction of dangerousness would be quite different depending on the situation that you placed the individuals into. That's one of the biggest parts of his book, and that's what the review was about. I was merely underlining for clinicians the importance of addressing those aspects that Monahan identifies in predicting or attempting to predict dangerousness.

1020

Mr Frankford: In your experience working in this field, I guess particularly as a lawyer, is this something that you would like to bring into this position when you're appointed?

Mr Schneider: As a member of the board, yes, in questioning psychiatrists or in reviewing psychiatric evidence, I'd be most interested in hearing about what information the psychiatrist is taking into consideration when he's offering a view as to dangerousness. I think it's extremely important in any assessment to have some sort of idea where this individual is going to be going or returning to in the community. What support he'll have, who he's going to be in contact with and those sorts of variables are extremely important, and that would be directly from the sort of thesis that Monahan puts forth.

Mr Frankford: So that would be everything from knowing what the family is like to knowing where in the province someone's going to be living?

Mr Schneider: That's right; whether he has suitable means of employment and income, what sort of supports he has and whether he's compliant with any follow-up medication or treatment, that sort of thing. Those are all important factors in assessing how well someone's likely to do in the community, if released.

Mr Frankford: In your experience, is this something which has been taken into consideration in the past or is it something that has been neglected?

Mr Schneider: I've never been a board member before. I've never been privy to their deliberations, so I can't help you with the extent to which those variables have been taken into consideration. Certainly, it's a variable experience before the board, and questions of those sorts are asked to greater or lesser degrees, depending on the panel and the individual you're representing.

Ms Sharon Murdock (Sudbury): You have a very impressive CV here; it's commendable. I noticed in your letter that you said you hoped your unsolicited introduction was not presumptuous. First of all, I wish to say that, with those kinds of qualifications, I don't think anything would be presumptuous at all on your part. But what really interested me is that much of your publication and your work has been with the schizophrenic area.

Mr Schneider: Yes.

Ms Murdock: I have a Friends of Schizophrenics association in my riding. We have regular conversations because of the perception of the disease and how they are handled in terms of institutionalization. I'm wondering what your views are on that and how you would utilize your knowledge in that area in your position on the board. I know it's a broad question.

Mr Schneider: I'm not too sure if I've got the question. Of course, only a very small number of those who have been diagnosed as schizophrenic would end up before the board. Statistically, they're going to be a very small minority and not particularly representative of the schizophrenic population as a whole. Of course, the problems that they have are the same as those that schizophrenics in general have, but typically compounded 10-fold by virtue of their difficulty with the law, their propensity to commit violent acts and that sort of thing.

As you know from your experience in your riding, schizophrenics and the families of schizophrenics have a very difficult time. I think that individuals who show up before the board and also have the diagnosis of schizophrenia have that much more difficult a time in adjusting. I have a feeling I'm not following your question.

Ms Murdock: From what the parents are telling me, in many instances they do appear with increasing frequency because of their violent behaviour before boards, and, in reality, much of the problem could be reduced with medication.

Mr Schneider: Those would be the mental health review boards.

Ms Murdock: Yes, but also because of the violent behaviour they end up in criminal situations where the disease is not understood. I just wanted to know how you would, if the situation arose in a hearing before you, utilize your background information to ask the right kinds of questions to—

Mr Schneider: I'm not too sure. I suppose there's some chance that I may have some insight in terms of anticipating the problems likely to be encountered by a schizophrenic before the review board and, to that extent, may be able to ask questions or raise issues that would—

Ms Murdock: Do you feel they would have to be institutionalized?

Mr Schneider: Schizophrenics?

Ms Murdock: Yes.

Mr Schneider: Just as a generic? No, not at all.

Ms Murdock: As a generic.

Mr Schneider: Well, as you know, most schizophrenics aren't institutionalized.

Ms Murdock: No. A totally different question here: In terms of having a layperson on the board, how important do you feel that is?

Mr Schneider: I think it's extremely important, because often lawyers and doctors are sort of removed, in a sense, in that their day-to-day business deals with extremes within the community that clearly the everyday person doesn't experience. I think that having a layperson on the board is very useful in that it can temper the decision of the board with the valuable everyday, common-sense community input.

Ms Murdock: Okay. Thank you very much.

The Chair: We'll move on to Mr Cleary.

Mr John C. Cleary (Cornwall): Yes, thank you, Mr Schneider. By the looks of your CV here, you've been a very busy individual for many years and I think you're in the right business and that will probably continue when you're appointed to this board. As we read and listen to media reports daily, we hear of possible weaknesses in the system. Do you feel there are adequate safeguards for the public?

Mr Schneider: As I indicated earlier, my personal view is that the legislation as it stands now is for the most part adequate. Again, I don't have the statistical information to back this view, but I suspect that the difficulties are—in other words, the highly publicized cases, when things clearly seem to have gone wrong, I would like to think, and I hope I'm right in saying, that those are still very much in the minority and any system of prediction like this, particularly when you're trying to predict human behaviour, has got a certain margin of error. Clearly, when you're dealing with individuals like this and the potential dangers, when something does go wrong or when there is an error, as infrequent as it might be, there's a great potential for devastating results and, of course, the incident's going to be highly publicized. But I'd like to think that these are relatively rare occurrences, and I may be wrong in that.

Mr Cleary: Maybe you could give us your opinion on Bill 30. Are there any possible changes you would like to see?

Mr Schneider: The Bill C-30 that came in last February?

Mr Cleary: Yes.

Mr Schneider: Again, for what it's worth, my personal view is that the legislation as a whole is a step forward. There have been a number of changes that have been very positive; at least that's how I viewed it in my capacity as defence counsel. There's now a code of procedure that handles most aspects of dealing with the mentally ill in the criminal justice system; that didn't exist before. So, where there was a lot of convention, that's now been replaced with legislation and I think, to that extent, there's a lot more clarity in the system and it should function an awful lot more smoothly.

Mr Cleary: I think my colleagues have a question.

1030

Mr John Sola (Mississauga East): I see, according to the mandate of the review board, you have to take into consideration the following factors: the need to protect the public from dangerous persons and the possible reintegration of the accused into society. Which one of those is pre-eminent, in your opinion?

Mr Schneider: I think clearly the need to protect society from dangerous individuals is the most significant factor. If I recall, there are four factors, really: taking into consideration the need to protect society from dangerous persons; the mental condition of the individual; the reintegration of the accused into society; and the accused's other needs.

The board must then make one of a variety of possible dispositions, depending on balancing all those factors. I think the objective is to try to protect society from dangerous individuals and, at the same time, do that in the least restrictive manner in terms of the accused and just be careful that his reintegration is gradual and only done when all of the evidence suggests that the likelihood is that he is no longer a significant threat.

But to answer your first question, I think clearly the protection of society has to be the foremost concern.

Mr Sola: When you talk about reintegration, how about in the case of repeat offenders? They've been hitting the headlines pretty regularly lately. After a multitude of transgressions, they get rereleased into society and then, as you said before, you wind up with a tragedy, usually an avoidable tragedy.

If it came down to the nitty-gritty of where it was a little bit iffy as to how it was possible to reintegrate an accused into society as opposed to somehow stepping on some of his civil liberties, would you be more inclined to protect the interests of the public or to protect the civil liberties of the repeat offender?

Mr Schneider: I don't like to think that one has to necessarily compromise the other. In other words, I don't think the process has to step on anybody's civil liberties. Clearly, when one's dealing with repeat offenders, the board would have to exercise extreme caution and only reintroduce or reintegrate an individual back into society under extremely well-thought-out and strict conditions. It's difficult to answer in general; these things vary on a case-by-case basis. But naturally one who has been before the board and released and reoffended and is before the board again, with each return before the board I would expect the board is going to be that much more careful before it makes any step towards reintegrating an individual back into society. I think that's about as far as I can take that one.

Mr Sola: How about with a view to paedophiles? They have been hitting the headlines as well. What I'm worried about is the fact that if we lean over backwards too much for people who have proven through repeated offences that they will not change, because of our bent towards civil liberties, somehow we will allow our judgement to be clouded and actually force the general public into almost vigilante action in order to protect itself, which is happening with the police boards releasing pictures and

names of people being supposedly reintegrated into society. I'm wondering, if a situation arose like that, what would be your priority: protection of the public or reintegration of the person?

Mr Schneider: Clearly, again the board's foremost concern is the protection of society. I've never been privy to any board deliberations, but I'd like to think that at no time the board has made an effort to lean over backwards in order to release somebody it had any significant concerns about with respect to public safety. I'd like to think—I might be wrong—that these tragic situations where people have been released and have reoffended are very, very rare occurrences. Again, I don't have the statistical data to back up that hope.

Mr James J. Bradley (St Catharines): You are a defence lawyer?

Mr Schneider: Yes.

Mr Bradley: Have you ever, to this point in time, represented someone before the board who has had his or her conditions loosened or lifted and then that person has gone on to commit a crime?

Mr Schneider: No, I have not.

Mr Bradley: How many people generally would you say you have represented before the board?

Mr Schneider: Before the board?

Mr Bradley: Yes, or on a Lieutenant Governor's warrant.

Mr Schneider: Probably, over the years, close to 50.

Mr Bradley: I look at your very impressive credentials, and no doubt you are aware, or at least we as elected representatives are aware, that the public is ill at ease with what it considers to be a loosening of the system in favour of those who have perpetrated crimes as opposed to those who have been the victims of crimes. There is a concern that people are being let out and then end up committing crimes, often when this could have been avoided by consulting a number of people. One set of people who could be consulted is the family. How much weight should be placed on the opinion of the family of these individuals, as opposed, for instance, to psychiatrists and psychologists?

Mr Schneider: As I indicated earlier, there is no formal way to make a victim or the family of a victim a party to these proceedings. The appropriate vehicle is through the Attorney General, who would be a party to most proceedings; at least they will be made a party upon application.

I think it's important to get that information, but only when it's relevant and admissible. In other words, if the Attorney General brings in evidence in the form of victim impact statements or concerns from family members and can show that it's relevant to an issue which the board has to decide and that it would be admissible with respect to other rules, then clearly that evidence has to be heard. I can envisage other situations, however, where what the victim or the family of the victim may have to say, although it may be important in a sense, may not assist the board with the decision it has to make, in that it isn't logically probative of any of the issues that are in dispute before the board.

I can see situations where input from families and victims might be extremely useful and relevant, but I can also envisage situations where it may not be particularly helpful; not that it's unimportant, but it may not be particularly helpful to the deliberation of the board.

The Chair: That concludes your appearance here this morning, Mr Schneider. Thank you for coming down. We wish you well.

Mr Schneider: Thank you, sir.

1040

PAULA KLEIN

The Chair: The next witness is Paula Klein, who is an intended appointee as a member of the Criminal Injuries Compensation Board. Welcome, Ms Klein. Would you like to make any brief comments before we get on with the questioning?

Ms Paula Klein: No.

The Chair: Okay. Your review was a request of the official opposition Liberal Party. Mr Bradley will begin the questioning.

Mr Bradley: My first question is, how did you learn that this position was open, and who approached you and suggested that you apply for the position, if anyone?

Ms Klein: I was approached about a year and a half ago by the former vice-chair of the board. A colleague of mine at the time from the Barbra Schlifer Commemorative Clinic had been working with him around issues of the board, and I met him under those conditions.

Mr Bradley: With your knowledge of the board and its mandate and its operation, have you drawn a conclusion, one way or the other, about the adequacy of compensation that is available to victims in the province? Stating it more bluntly, are victims in this province at this time compensated adequately for the crimes perpetrated against them?

Ms Klein: I'm not sure how you ever put a dollar figure on the experience of being victimized.

Mr Bradley: I know, but that's what the board has to do.

Ms Klein: Yes, it does, but in terms of deciding how much one's pain and suffering is worth, that's a very difficult kind of answer to give. I think what's most important is that there is acknowledgement by society that a crime has been committed and that whatever compensation is available based on the given circumstances of society at that time be taken into consideration with what kinds of awards are given. I just don't know what "adequate" would ultimately mean.

Mr Bradley: If one were to have studied the board and the role it has played—I'm not suggesting that you have or haven't, but if you had done so, you might be aware of the average payout from the board. I was just trying to get a judgement about whether you feel that is adequate, because certainly the people who approach me as an elected representative who have been victims of crime don't always believe it's adequate.

Ms Klein: My understanding is that the average award is around \$6,500, and I believe 80% of the awards

are given for pain and suffering and the rest go for various expenses and loss of wages. To me, \$6,500 doesn't sound like a lot of money, yet it may be significant for those who really need the money for therapy or for some kind of compensation. Again, what seems most important is that there is some acknowledgement by society that a crime has been committed; it's often, at least in my experience, the only societal acknowledgement to individuals that there has been a crime committed against them. I suppose if we had a lot more money, raising the awards would be appropriate.

Mr Bradley: With almost all agencies, boards and commissions of government there is a problem of a backlog of cases. One would suppose logically that if we increased the number of staff and so on, it might be better in terms of turning over those cases, although a lot of people say that wouldn't be the case. Do you have any ideas about how we can make this a more expeditious process than it is at present, where people have to wait a significant period before they are compensated or before a decision is rendered on their compensation?

Ms Klein: I don't know a lot about the specifics of how the board is operating at this point. My sense about backlog is that a backlog in any agency is going to increase as more applications are made; I don't know how much a backlog would be affected by the increase in awareness of the board so that there's an increase in applications. I think there's a lengthy process of sending all the various materials; there's quite a bit of information which is requested and an application can't actually be processed until all that information is there. But I don't know how it's dealt with right now, so first I would need to know what they are already doing to expedite the process.

Mr Bradley: In a case in November 1982, the board panel rejected a widow's application for compensation for the grief she suffered as a result of her husband's murder, on the grounds that she failed to establish her grief and that it constituted a genuine mental disorder. Do you believe that people should be compensated for grief and sorrow or only for the physical or easily recognized psychological effect of a crime? Should grief and sorrow be part of the compensation package?

Ms Klein: Grief and sorrow probably are part of the psychological impact of a crime. I don't know what the policies are around grief and sorrow when it's not the actual victim; I would have to find out what their policies are on that. I don't think a lot of psychological effects of victimization are necessarily apparent.

Mr Bradley: Do you believe there should be a mandatory period of time within which a case must be dealt with? I guess I'm getting back to workload and to the fact that the Compensation for Victims of Crime Act may or may not be amended to extend the limitation period from one to two years. There's a one-year limitation on filing an application for compensation, and many people have said this is unrealistic, given that the judicial process requires about 12 months to dispose of a case. Do you think it would be advisable for the government to amend its legislation to permit people to bring a case before the board

even after a one-year period, or should they be confined to that one-year period?

Ms Klein: I'm sorry. I didn't understand the relationship between how long it takes to make the application and how long—

Mr Bradley: I guess there is not a good relationship, so maybe you could just answer the second question. I'm trying to get two questions. You have to understand, we have 10 minutes to ask questions of people in this committee. It's appalling, but we have 10 minutes.

Ms Klein: So in terms of getting through the cases once they're there.

Mr Bradley: Both. First of all, do you think there should be a limit on the period of time within which a person should be expected to have a case dealt with? That's first. The second question is, do you think a person should have more than a year to file an application to the board?

Ms Klein: With regard to the first question, my primary experience has been working with female victims of violence, and in my experience working with them, I don't know whether a year is a reasonable amount of time for them to be psychologically or sometimes physically able to make that application, although I do understand that in many of those cases an extension may be permitted. I don't know about other forms of crime at this point, so I would have to think more about that.

Mr Bradley: The reason I say it is that one of the things that comes to mind is that in some of these sexual abuse cases, the person, when the abuse initially takes place, may be very reluctant, may wish to just block it out of his or her mind, yet we now see people 10 and 20 years later coming to grips with it and being able to give testimony and so on. My understanding would be—Mr Pond may be able to help us on this—that under the present act those people could not get compensation without some special provision from government.

Ms Klein: The way the act has been written right now, I understand that it's a one-year limitation. However, in cases such as the ones you are describing, extensions have been made. I would think that would be a very important extension to make.

Mr Bradley: Do you think it should be the norm, as opposed to simply allowing exceptional extensions of that time period, which would exclude some people and not exclude others? It would be at someone's discretion, in other words. Would it be better to have a longer period of time to catch more of those cases, say, up to five years?

Ms Klein: I would need to know why the one-year limitation was imposed to begin with as a reasonable amount of time. My experience with survivors of sexual abuse is that a one-year limitation would eliminate most survivors. So an exception or an extension would have to be made for them. I don't know enough about why the one year was imposed for other forms of crime. I would have to know more about that.

Mr Bradley: There are a lot of people who don't even know that the Criminal Injuries Compensation Board exists.

At the risk of yet another government advertising program slanted towards the government's own interests, could you give any suggestions on how the profile may be raised within the community so that people may be made aware of the existence of the board and their right to apply for compensation?

The Chair: Sorry, you won't have time to respond to that.

Mr Bradley: It's something to think about, anyway.

The Chair: I'll have to move on to Mr Turnbull.

Mr David Turnbull (York Mills): Ms Klein, could you tell me why you feel you're suited, from your educational background and your experience, to this position?

Ms Klein: My training has been in social work, and I have worked for a number of years in the area of violence against women. I've worked specifically in the areas of wife assault, sexual assault and child sexual abuse, working predominantly with women who have been victimized. I've also worked with a number of women. At the clinic I used to work at, the Barbra Schlifer Commemorative Clinic, there were a number of women from there who had approached the board for compensation.

I think that both my qualifications and my understanding of the issues would allow me to have a sense of what the damage has been, especially because I understand that a growing number of women who have been sexually assaulted have approached the board of compensation. My familiarity with the issues and my belief in society's responsibility to attend to the needs of victims are what I think I would bring to the board.

1050

Mr Turnbull: Obviously, I'm very sympathetic to those needs, but I've heard you this morning speaking only about the needs of women and children. I haven't heard anything about families where a child has been snatched away from them and assaulted or even murdered by paedophiles. What do you feel about the need for compensation for families in these particular circumstances?

Ms Klein: I've mentioned primarily what my experience has been and I think that experience can be generalized. My training in social work is really—I think it's not just those whom you've worked with, but a general understanding of what the issues would be for anyone in those various circumstances.

Mr Turnbull: Do you think we should change these programs so that we can find a much broader way of getting compensation back from the perpetrators, so that it is not costing society money but in fact we're finding a way of taxing these people, if necessary in perpetuity, to pay back the victims?

Ms Klein: I think that's a really interesting idea. I'm not sure how that would be attached to the board, because the perpetrator isn't necessarily involved at all with the ones coming to the board. In many cases, the perpetrator might not even know that a victim has made an application. My sense is that this kind of taxation could only take place through either a criminal or civil proceeding, which is quite separate from the board.

Mr Turnbull: Do you not think there should be a better relationship between the two actions?

Ms Klein: My sense is that for many of the women I worked with, if they had been considering making an application, if the perpetrator had to have been involved, they never would have made an application.

Mr Turnbull: So we're saying that the burden lies with society and we're not going to make the perpetrator pay?

Ms Klein: I think that as a society we need to make the perpetrators pay. I don't think this board is the way in which that's going to happen.

Mr Turnbull: I notice in your résumé it says "political and social action." Are you a member of the NDP?

Ms Klein: No, I'm not.

Mr Turnbull: Have you ever been?

Ms Klein: No, I have not.

Mr Drummond White (Durham Centre): I have just a couple of questions. I'm impressed with your résumé, obviously. I've worked in the field of sexual abuse of children and worked extensively with adults molested as children, both men and women, although men are much more reluctant to engage. I'm wondering if you could explore with us some of those long-term effects from your experience with adults who have been molested as children, the kind of likely results that molestation may have with women in their 30s or 40s.

Ms Klein: I have a difficult time generalizing because I think everyone deals with the experience differently. But certainly there is a wide range of effects that one would be living with in terms of intimacy, relationships and a sense of oneself. I think the most important thing that happens to children who have been molested is that their whole sense of trust, their whole sense of understanding the world has been turned upside down, and so as they grow older, a sense of trusting the world as a safe place, in the way those who haven't been molested do, is not the same process at all.

The experience of vulnerability in the world is much greater. For those who could have a different kind of assessment of how vulnerable they are, if they have been molested, it's going to be a very different process. I think there's a wide range of effects: dissociation, multiple personality disorder, which is being spoken of a lot more these days. There's really a wide range.

Mr White: Are you familiar with the work of Margo Rivera at Ontario Institute for Studies in Education, where you're currently studying?

Ms Klein: Yes, I am.

Mr White: In terms of treatment, you mention that as one of the costs for sexual abuse victims and sexual assault victims. What are your thoughts? Should that be something that should be assumed outside of the health care system simply because the Ministry of Health refuses to recognize many qualified practitioners, or should it be alone for practitioners who are licensed or regulated by the Ministry of Health?

Ms Klein: Speaking from my own experience, I've worked with a number of women who have been

through the psychiatric system or who have been through the medical system, and they are opting out at this point. When they seek out services that are specifically geared towards survivors of physical or sexual abuse, they're seeking out therapists who have some understanding that the symptoms which they're exhibiting today are directly related to what happened to them in the past and through this victimization.

The healing needs to take place and focus on the source of the victimization, whereas a lot of women who've been through the psychiatric system have expressed that, through the wide use of medication, therapy has focused more on the here and now and not so much on the past. It seems to me that a lot of the therapists who are doing the work that deals specifically with the abuse are in fact outside the medical system.

Mr White: But the cost of that treatment, by itself, could well exceed the figure of \$6,500 that you cited.

Ms Klein: Yes, it can.

Mr White: So you would bring that perspective to the board.

Ms Klein: Yes, I would.

Mr Frankford: I'd like to get into some questions around physicians, particularly family physicians; I happen to be one. If you're talking about a backlog of delays in processing cases, I assume that having medical reports and having a physician as an advocate for the victim is extremely important. From the experience you've already had, can you make any generalizations about how family physicians respond to that role?

Ms Klein: I think the role of the family physician is crucial, and I have worked with a number who have referred to myself or to other therapists in the community and work in conjunction with them, dealing with many of the physical effects and as an added support. I think that any support physicians can give to survivors through this whole process is crucial. The responses victims receive from professionals, doctors and lawyers, also make a big difference to victims; it makes a big difference for them to be taken seriously.

Mr Frankford: It seems to me that in our advocate role—and perhaps I'll refer to Mr Bradley saying, "How widely is the program known?" I can't recall ever getting anything directly encouraging me to connect with the board, and I don't believe I ever wrote a report myself, but I'm sure there must be many doctors out there who would have clients who could be referred. I'll perhaps leave a suggestion that this might be one area where one could do some rather effective and cheap informing about the existence of the program.

Ms Klein: My understanding right now is that a lot of the notification of the board's existence is done through word of mouth and at some of the primary sources of victimization. So the police, hospital emergency wards and rape crisis centres do a lot of informing. Certainly, to make it better known would be wonderful, and then we'd get into the backlog problem that we were talking about earlier.

Mr Frankford: But I think, if I could speak up for family physicians, if the system works as I believe it should, then one should have a long-term relationship, and I think this could also address the question about grief and suffering, that somebody who knows the person over a long term can write a much better report as to whether they have, supposedly, normal grief and suffering or if there has been some striking change in their psychological state.

Ms Klein: That's a really good idea.

The Chair: Thank you, Ms Klein, for your appearance here this morning, and good luck.

1100

ALEXANDER ADAM

The Chair: The next witness is Alexander Adam. Welcome to the committee, sir. Mr Adam is an intended appointee as a member of the Workplace Health and Safety Agency. Do you have any brief comments you'd like to make before we get into it?

Mr Alexander Adam: No, I think we could go right to questions, Mr Chairman.

The Chair: Okay. Since the member whose party initiated this is absent at the moment, I'm going to look to someone else to begin the questioning. Mr Waters, are you prepared?

Mr Daniel Waters (Muskoka-Georgian Bay): I find quite interesting your background and where you work. I'm very impressed. I know from my past life that indeed there is a commitment by people such as yourself at Stelco over health and safety matters. It's an impressive company. But I would ask about time. You obviously have a position with Stelco that needs a lot of your time and attention. I believe that at this point in time, with the history of the agency, it's going to need a certain amount of time and I was wondering how you could indeed jockey between the two.

Mr Adam: It's certainly an issue and it's one that I had to do my own soul-searching about and then discuss with our president and our chairman, but the issue here was that I had been asked would I be prepared to serve on this board as part of the process of reconstituting the management side of the board. I think it's important work and I have a sense of the time frame that's involved and I can fit that in, both in terms of my own personal life and my own commitment to our organization.

Mr Waters: We had another gentleman yesterday who's going on the board as well, and I asked him a question because I have a hope and a belief and a lot of faith in the outcome of where this board will go. I guess I'll ask you the same question, and that is, do you see this, in the long term, as a means of lowering compensation rates for companies? As we work together, shall we say, both sides of the issue, the worker and the management, to make a healthier, safer workplace, do you think that in the long term it will reduce compensation rates for those employers and how long do you think it will take to do that?

Mr Adam: I think, in a general sense, reduction in the frequency and severity of accidents in the workplace isn't

just an altruistic aim. It's good business and it is cost-effective and it does have the benefit of reducing compensation claims and compensation administration. In a general sense, I think it's a very important initiative.

The real proof comes in what happens in each individual workplace and the degree to which the people who live in that environment are able to identify and eliminate in a proactive sense the hazards and the opportunities for people to get hurt. I think there's a direct link with the cost of workmen's compensation. I'm not sure that it has to be the main objective. I think that's a good outcome. The issue is that people shouldn't come to work and get hurt if it can be avoided in any way whatsoever.

Mr Waters: I know there are other members who would like to ask questions, so I'll pass.

Ms Murdock: Thank you, Mr Adam. I have two things. First of all, I'd like to get a feel for your own experience in relation to joint health and safety committees as they have been utilized in the past and, hopefully, in the future and, second, the Workplace Health and Safety Agency itself and how you see it fitting within the labour-management relations context.

Mr Adam: There are some very good parallels, I think, with my experience at Hilton Works. Hilton Works is a large integrated steel plant with about 6,800 people, and my experience at Hilton Works sort of transcends 24 years. I started there 24 years ago at a time when the labour unions, and ours in particular, were trying to begin to get more involved in health and safety issues. At that time it was dealt with through the process of negotiations and became an issue between the parties.

Having returned to Hilton Works about three years ago from other activity and stepping into a situation where there'd been a commitment to joint health and safety and we'd gone through some growing pains and it was now functioning, in my view, in a very successful way and the results proved themselves. Our frequency of accidents and our severity had come down consistently each year. More importantly, I think from a longer labour relations point of view, it's provided a platform on which to try to find more issue resolution and less conflict resolution activities in other facets of our relationship.

You can extrapolate from that to the role of the board itself. I think you can build on something like workplace health and safety on a bipartite basis and use that as a way to maybe shift the whole paradigm of labour relations in the province. If labour and management cannot find a way to constructively deal with issues in an area as fundamental to human beings as health and safety, then we have real problems. My belief is that our experience and others' experience show you can.

The Chair: Any more questions from the government members? Okay, then we'll move on to Mr Turnbull.

Mr Turnbull: Welcome, Mr Adam. You're probably aware that there were certain members of the agency on the board who represented employers who resigned because they weren't very satisfied with the conduct of the board. Can you give me your view of that?

Mr Adam: I can tell you from a distance that, from my point of view, there still is some confusion as to what really went on. I know some of the people personally and have a lot of respect for them. In fact one of my former colleagues is one of the people who resigned.

From a personal point of view, it had sort of happened before I became aware of what had happened. My understanding is, strictly through discussion and hearsay, that some of the management members who lost the vote felt they had been presented with a monolithic block vote by labour and didn't like the outcome. Some of the labour people felt the people on the management side were being obstructive and were not moving the process forward. As often happens when you get into that kind of a situation, in retrospect it's very difficult to sort out who was right and wrong.

I also understand that was really the only significant issue that had come before them where there had been that kind of a need for a majority vote to decide it. A lot of other items which haven't been given as much public disclosure had been dealt with quite well through a consensus process on the board.

Mr Turnbull: What was the issue they disagreed over?

Mr Adam: I believe the issue was certification, which is still the prime issue in front of the board, and in this case it was the aspect of the number of hours that would be involved in training.

1110

Mr Turnbull: Would you concur with the management's view of the people who resigned?

Mr Adam: I'm not sure what the management's view was. As I said, I only understand that they didn't like the fact that some members of the management caucus had voted with the labour caucus on this matter of hours. My personal view is that sometimes you have votes to resolve an issue and move on. I would not have resigned.

Mr Turnbull: Do you have the support of various management groups in coming forward for this position?

Mr Adam: I have the support of people who know me and of some management groups. I do not have the support of the management advisory committee.

Mr Turnbull: Can you give me the names of some of those groups that support you?

Mr Adam: I think I would have the support of the business community in Hamilton in general that knows me and my commitment to this issue. I would probably have the support of the Hamilton Chamber of Commerce. I just left their board of directors. Those would be examples, in my view.

Mr Turnbull: Have you ever been involved in political activities?

Mr Adam: I've been involved in various political activities over the years but not in the last number of years, and I've been somewhat eclectic in that activity. I worked as a student some years ago, when I was at the University of Toronto, for a PC running in the election where Diefenbaker got trashed. I knocked on some doors for Bill Kempling in one of the federal elections. In my most

recent political activity I assisted our alderman, who happens to have NDP credentials, in running for mayor of Burlington, not because of his party affiliation but because he'd been a good alderman, and I knocked on some doors in our neighbourhood. That's the extent of my political activity. I would describe myself really as being an independent.

Mr Turnbull: Do you think you can represent the needs of employers? Remember, that's the focus of your job. Your job would be to represent the needs of employers on this board.

Mr Adam: My job on a day-to-day basis is to represent the needs of the management of our organization, and I think I can very satisfactorily represent the needs of employers on this agency.

I think there's another issue, am I and are others on both parts of this bipartite board prepared to make a commitment to deal with the issues in an open-minded way and make the health and safety agency work? I think that really is important at this juncture.

The Chair: Mr Sola, do you have some questions to ask?

Mr Sola: I am interested in the fact that you stated a former colleague of yours was one of the persons who resigned from the committee. I am wondering, first of all, if you would classify that individual as the obstructive type.

Mr Adam: Do you want to mention specifically who you're talking about?

Mr Sola: Well, you were the one—you didn't mention who the person was, but you said one of the persons from the management side who had resigned from the committee—

Mr Adam: Exactly.

Mr Sola: —was a personal friend or a colleague of yours. I'm wondering, since you know the person, whether he could be described as an obstructive type.

Mr Adam: I wouldn't categorize anybody involved in that unfortunate incident in any way whatsoever, on the labour side or on the management side, and this specific individual you're referring to, I would not categorize as an obstructive type.

Mr Sola: Okay. Since this individual is not an obstructive type and he felt compelled to resign, I guess, on a matter of principle, does that not create a sense of unease in your mind in being asked to go on this board? The second question is, since this situation has occurred, can you go in there with an open mind, or are there certain reservations in your mind as you contemplate being appointed to the board?

Mr Adam: There are a number of questions in there. Let me take the last one first. I have an open mind. I think it's the only way to approach these issues and that's the way I would go on the board. As far as other people's issues of principle, you'd have to talk to them about that. I can't take that and draw conclusions about my own activity or behaviour.

Mr Sola: I think Mr Turnbull mentioned that you are supposed to represent the needs of employers on this committee. I would like to change that and say that I would think both sides should be representing the interests of the

workers, because I think it's in the best interests both of employers and employees to have the safest possible working conditions in any work environment.

I'm just wondering whether you think the fact that the previous set of directors saw that the environment forced them to resign, whether there was beginning to develop a sense of partisanship that may prevent actually looking out for the best interests of the employees.

Mr Adam: I wouldn't even describe my view of that as an insight into what went on there. I think whatever happened, it was unfortunate. I think the issue now is going forward. There's been an endeavour to reconstitute the management side of the board and to get on with the process, and I think that's important. I couldn't agree with you more that the real issue here is representing the workers in this province and making sure we have a system that guarantees them the safest possible workplace and workplace practices.

Mr Bradley: It indicates in some information we have that candidates were recommended by various business organizations with an interest in health and safety matters and these recommendations were reviewed by the management advisory committee to the Workplace Health and Safety Agency for consideration. You mentioned in passing that you didn't fit into that category. Did I hear that right?

Mr Adam: No, you didn't hear it right. I think I was asked if I was recommended by the management advisory committee and I said I believed I was not.

Mr Bradley: Is there any reason you can think of why you were not recommended? Was there opposition to your appointment?

Mr Adam: I don't know. You'd have to ask them. I think what I bring to the agency is what's needed, experience in a bipartite joint health and safety system that we believe has been successful in improving workplace health and safety for over 6,800 people, and we've used that cooperative activity to also help improve the balance of our labour relations in our plant. I'm very positive about the ability of a bipartite approach to health and safety not only to improve the workplace but also to improve the general labour relations climate in the province as well as any workplace. I think that's what's needed. I'm also open-minded. I can't say any more than that.

I met with three people from the management advisory committee. We had a good discussion. I didn't consider it a job interview. It was an opportunity for me to meet them, and they went off and put forward their own slate of candidates.

Mr Bradley: You were not included in that slate?

Mr Adam: I don't believe so.

Mr Bradley: The next questions are difficult to ask. Do you feel then you would have the confidence of the general business community to be a business representative on the board?

Mr Adam: I think I have the confidence of anybody who knows me and meets me. I've met with a number of those people from the management advisory committee subsequently and I've talked to people at the Canadian

Manufacturers' Association. You would have to ask them their reasoning, but I certainly didn't take it personally and I don't think the slate they put forward was directed in any personal way at my candidacy.

1120

Mr Bradley: Do you think the fact that the government did not accept the slate that was put forward by that group would mean the agency is not going to receive the kind of confidence it might otherwise from the business community? Because the government did not accept the slate put forward.

Mr Adam: I don't think so. I think ultimately the proof of the pudding is in the eating. I think the real issue is, are there management people, business people, now on the board who are prepared to look to the future and bring their experiences and try to deal with issues in a way that gets this important work moving forward?

Mr Bradley: Do you see the need, from your experience—and of course you'll have further experience when you're appointed, because you are appointed. The committee has no power to do anything other than to endorse the government appointment, so you're certainly appointed and it's an opportunity to chat with you. Do you believe there is a need for more legislation in the field of workplace health and safety that you can see in your mind, or will this particular agency likely preclude the need for further legislation in that regard?

Mr Adam: I think our first emphasis should be making the agency work the way it was intended to. I think if we can do that, I wouldn't preclude future legislation, amendments or changes, but certainly I think you're on the right track.

Mr Bradley: Do you think if those changes were made, they should be to make it more onerous for the industrial sector or the business sector in the province in terms of what they must do to meet the health and safety needs of workers? In other words, if you look at the legislation as it exists today, there are two ways you can amend it: You can either weaken it or strengthen it. Do you believe, from your experience, that there is a need at this time for further legislation to protect the health and safety of workers in the province?

Mr Adam: Based on my own experience, no. I wouldn't emphasize the punitive side of the issue at all. I think what we need is to emphasize the cooperative side and the fact that we really have to be proactive for the right reasons, not because you're afraid of being charged or financially penalized but because it's the right thing to do, it's good business and it's smart.

Mr Bradley: Am I out of time yet?

The Chair: No, you have about 30 seconds.

Mr Bradley: I'll pass, then. It will take me 30 seconds to ask the question and then you won't have time to answer. It would be unfair to you.

The Chair: Fine. That concludes the questioning, Mr Adam. We appreciate your appearance.

Mr Adam: Thank you very much.

MELVIN IRWIN ROTMAN

The Chair: Our final witness this morning is Melvin Irwin Rotman, who is an intended appointee as a member of the Ontario Criminal Code Review Board. Welcome to the committee. Do you have any brief comments you'd like to make before we get under way?

Mr Melvin Irwin Rotman: No, thank you.

The Chair: Your review was at the request of the official opposition, so I look to Mr Bradley.

Mr Bradley: I don't know whether you were here previously to hear some of the questions which were directed to the people being appointed to this board, but one of the problems that some members of the Legislature encounter is that we are often contacted by people who are concerned that the system works in favour of the psychiatric patient. I know it has been extended.

I think what is happening in this committee is we're getting at you to get at something over which you have no control, and that makes it a little bit difficult. But there is a perception out there among my constituents, the majority of my constituents, that essentially the agencies, boards and commissions of governments are run by an élite—a very intelligent group of people, a well-connected group of people, an expert group of people—but that this group of people does not take into account the feelings of the general population or the views of the general population when rendering decisions.

I'll just throw it out and say, would you comment?

Mr Rotman: No, no, please go ahead.

Mr Bradley: I'll be a little more specific in the question then. How would you go about seeking the opinion or reflecting the opinion of the general community in the decisions that you are making?

Mr Rotman: As you appreciate, the board itself is a very difficult one in that it's a provincial board yet it's governed by federal legislation. As such, both you, as a legislator, are hamstrung as well as myself, as a decision-maker, because of the parameters placed on the board. My personal feeling, in terms of your question and how I would seek that out, would be more along the lines of the legislation has changed recently to allow for both the Attorney General and the crown who is prosecuting the accused to be parties to this matter, and I would hope, since they are given notice, that at least the crown who is dealing with the matter of the actual allegation would be in touch with such people as the family or the victim, as the case may be, and allow for input through that direction.

As the legislation itself doesn't allow for publication of the results of these decisions, the public would really have no other way other than the individual way, by way of the crown, as I see it.

Mr Bradley: Let me paint a scenario which may not be unrealistic for you. In major psychiatric institutions—I take it Penetanguishene is essentially what we're talking about—there is overcrowding and there is not room for all of these people. Do you think that would influence the board or would that influence you, the fact that there is simply not accommodation for people? Would that influence you to be

more liberal in your application of judgement on whether somebody should be released to the community or not?

Mr Rotman: For myself, I can say no. Two reasons: First of all and probably most important for this committee is that Parliament, when it set out the structure of the board, essentially said that in any disposition the first consideration has to be the protection of the public from dangerous persons. That's the first item, the very first item listed. Given that particular scenario, I don't see how consideration of the crowding even comes into account, because then the next one happens to be the mental condition of the accused. There's his ability to reintegrate and then, finally, there's such other needs of the accused, lastly, in place. So it doesn't come into consideration under the act of Parliament.

Mr Bradley: It doesn't, but it's amazing how other factors tend to push agencies, boards and commission into certain decisions. I won't pursue that one further.

I want to pursue now how you got appointed to this. How did you find out this position was available?

Mr Rotman: Essentially, I was aware of the board and just simply filed my résumé. After that point, I don't know. As well, I have a great deal of experience in administrative law. That's my area. And I've done a fair amount of decision-writing through arbitrations etc, as nominee, and on filing factums etc. But that's about it as far as I know.

Mr Bradley: One of the considerations that governments generically make when making appointments is that they like to appoint people to agencies, boards and commissions who are in tune, philosophically and politically, with their point of view, although it doesn't necessarily happen, particularly on boards of this kind. Are you a member of the New Democratic Party or a supporter of the New Democratic Party?

Mr Rotman: I have never been a member of the New Democratic Party, nor am I now; I'm afraid not.

1130

Mr Bradley: Have you worked for the New Democratic Party or supported the New Democratic Party?

Mr Rotman: Not only have I never worked for the New Democratic Party, I have never even campaigned for a candidate for the New Democratic Party.

Mr Bradley: This is quite a relief. This encourages us that perhaps the government is at long last seeing the light.

Mr Waters: As we have all along, unlike our predecessors.

Mr Bradley: You will meet many people on the agencies, boards and commissions who do not fit the category you've just described.

I would like to go back. At one time, when I first entered this Legislature, eons ago, there was a feeling that psychiatric patients, particularly those in the category you will be dealing with, may have been hard done by. There may have been a conservative approach to keeping people confined as opposed to integrating them back into the community. Whether that's a fair observation or not, that appeared to be the case. As time progressed, it seemed that

we were to look more at the fact that there may be people kept there who shouldn't be kept there, and the pendulum appears to have swung the other way. Do you believe, in light of the perceived public opinion today, that, for instance, when people are released back into the community the community should be made aware of this in a very public way, that this person has been released into the community? We've seen some of the examples. They're not of these patients but of others.

Mr Rotman: I think we have to differentiate between release of people who are being brought back into communities, say, from the prison system, where there's been a finding of guilt, and people who are being released from a mental institution. The difference with respect to the mental institution situation is that these are people who have been found not guilty because they're simply not criminally responsible. The aspect of it is that the strictures placed on the board and placed on the decisions are such that, as it stands, Parliament has made sure that there's no way that information can get to the public, because it simply isn't available. The decisions of the board are available to the judge, the crown, the Attorney General, the accused or the patient. They're not available to anyone else. I can digress and go back to prisoners, but the question with respect to patients is almost moot, if you don't mind my saying so.

Mr Bradley: No, I understand the difference. I appreciate the difference and you've articulated that, I think, exceedingly well. But I want to say—is this the last one?

The Chair: One minute.

Mr Bradley: Let me paint a worst-case scenario for some people. There's a family with young children living next door to the person who's going to be released. This person, when the person was mentally ill, committed crimes against those children. Should the next-door neighbours be aware of this or not? It's a tough question.

Mr Rotman: It's a very tough question. I have a young child, a nine-month-old son. I understand the question. I don't know how I could emphasize my empathy and sympathy with the question itself. But as a lawyer I'm stuck with a legal response to what must be that situation and, although I may have personal feelings about it, as a lawyer I have to say I don't see how they can get that information as Parliament has structured the code. From a legal perspective, my position would be that my hands are tied.

The Chair: Do you want to jump in there, Mr Turnbull?

Mr Turnbull: Yes, sir. I want to pursue that same line of questioning. As you know, the public is very exercised about this issue at the moment. I will sort of set the scene by saying that I introduced a private member's bill last fall, just before the House rose, the Registration of Pedophiles Act. In that, when somebody was released from prison he would have to register with the police in the local area where he was living and the police would determine whether it was appropriate to generally make neighbours aware of it if they felt there was some imminent danger.

I modelled this legislation on the legislation that exists in Washington state and has done for a few years. Also, there would be a penalty of a fine or potential reincarceration if

the people who were released did not register their whereabouts with the intent that we could track where these people are.

In the English-speaking world, we have a tradition of not registering people. We feel this is a terrible intrusion upon people's privacy. However, in many countries of the world, you don't have to be a criminal to be registered; just simply by merit of the fact that you're living in a certain place you are registered with the police as to your whereabouts.

With due consideration for the fact that you're saying, "Yes, well, you have to just administer within the confines of the law," we, as legislators, are looking at you and saying, "You know, we can bat this backwards and forwards." But given an opportunity like today, I'd like just a little bit of an opportunity to talk to you about what we should be doing, not somebody throwing the ball and saying, "Well, it's your problem."

Let's talk about our problem together.

Undoubtedly, there is overwhelming evidence that paedophilia cannot be cured and there have been many submissions to this effect by very learned people who specialize in this field, so I don't want to get into a discussion of the merits of that. But how do we protect people?

My suggestion was a registration process which at least would be able to allow parents to go to a police station if they were concerned and look it up, as they do in Washington state. What are your feelings about that? On the one hand, does it not seem reasonable to you, bearing in mind that, yes, there is a restriction of the offender's liberties when he's released—he or she, I guess, but normally he in this particular case. We are restricting their liberties, but it's basically to protect innocent children. Should we make changes to the law? What do you think your board should be doing about this?

Mr Rotman: The question was—

Mr Turnbull: Pretty broad.

Mr Rotman: —pretty broad. Without attempting to be too political about it, because you're not putting me on a board to be a politician, essentially, as I understand the issue, it's the difference between, shall we say, individual rights versus community rights as you're describing it.

I can discuss the Criminal Code stuff with you, but it would just be us chatting, because your description is a situation where a paedophile has been in prison, has been found guilty and is then going to be released into the community, and you want the opportunity to register this particular individual. As I pointed out to the honourable member, I have a child and I understand what you're saying, but I have essentially no comment. I don't stand opposed to what you're suggesting.

The board, though, is dealing with a different situation. The board is dealing with people who have been found not guilty because they're not criminally responsible and as such, if they're not guilty, the possibility of registration becomes more remote in my opinion.

That aside, as I pointed out, regarding the disposition with respect to any person within an institution with whom this board would be dealing, the first item is the protection

of the public. We, of course, will have the availability of psychiatrists to assist us, and if, as you suggest—because I'm not in a position to debate whether or not paedophiles may or may not be cured—there is no cure for a particular mental disorder, then the issue doesn't arise, does it? Public protection is foremost.

1140

Mr Turnbull: There are two issues arising out of what you said. Number one is the question of yes, they have been determined not guilty by reason of insanity. I suppose there is a question there as to whether in some way we should change the law so that we can at least treat them in the same way as—if we were to allow the registration of criminals who have been found guilty of paedophilia, would it not be reasonable to change the law to say that we believe this person committed the act but is not guilty by reason of his or her state of mind, so that at least that same type of protection would be afforded to the public at large?

Mr Rotman: With respect, the principle does not go beyond the purview of this particular Legislature.

Mr Turnbull: Yes, it does. This is the problem. All too often we have these sorts of discussions, and you can say, "Okay, this is not really the question that this board has to answer; it's not the question that this Legislature has to answer." The problem is that in Canada we're battling responsibility around. It's just like somebody sitting at the table in a restaurant and calling a waiter and the waiter says, "It's not my table." I'm trying to at least stimulate a discussion about the direction that we should be urging legislators at any level to take in the future.

Mr Rotman: I appreciate where you're going. The problem from my perspective is that it requires a political position. As I see it, my position on the board is to be one of a neutral trying to assess the protection of the public. Now given that this is my primary consideration, all I'm saying is that the rest of the issue then lies in hands of politicians rather than someone sitting on a board. It doesn't seem to me that you want to be in the position where you're having your boards make declarations of any sort.

Mr Turnbull: "Lies in hands of"—I'm sorry?

Mr Rotman: When I say "lies" I mean "lays" rather than misleading the—

The Chair: Mr Turnbull, I know it's unusual, but will you allow the Chair a supplementary?

Mr Turnbull: Yes, please do.

The Chair: This is an issue of interest to me, with a forensic facility in my riding. I'm curious. We've been talking especially about paedophiles. That's a major concern now with what has happened in a number of very tragic incidents. I'm concerned about your role in making these decisions in terms of what we used to call loosening a warrant or lifting a warrant in allowing these people to be gradually reintegrated into the community.

I guess I would like to know what you see your role as in terms of ensuring as best you can if you make a decision on release or loosening, especially when we're dealing with paedophilia, which I'm advised is not curable. It's

something that can be controlled through constant medication use and so on.

I've seen instances in my own community where an individual's out there, and the monitoring of that individual in terms of getting off or maintaining his medication and so on, and he's gone off his drugs and committed a crime. I guess there's that responsibility on you to make sure the system doesn't fail the people with the flexibility you do have within the legislation. I just wonder how you'd view that.

Mr Rotman: I view that very seriously. As I understand the legislation and having reviewed it, the administrator of the hospital is a party to these proceedings. It would seem to me it is incumbent upon this particular person—and he or she generally is ultimately responsible—to be able to advise the board whether the hospital is able to oversee this individual properly and to, shall we say, rein in or ensure that whatever loosening is done is maintained and, failing such, can be brought back in.

I believe, where Parliament has stated the protection of the public is the first consideration, the ability of the administrator of the hospital to properly assess and advise the board puts us in the position of being able to determine exactly that issue you've stated.

The Chair: To the government members. Mr Waters.

Mr Waters: There's been a lot of talk about the rights of the public in that. I guess where I'd like to start is, does that mean it would be the function of the layperson who sits on the board to bring the public's concern as you see it?

Mr Rotman: It would seem to me that the layperson would be your sounding board with respect to what the public generally is feeling and where it is going. The psychiatrist brings to the board the clinical, the psychiatric perspective. The barrister or the lawyer on the board brings the legal perspective. The layperson is there to be able to assess where the general public is coming from. I would agree with that. With all the other inputs we have from the crown and the Attorney General, we have I would think a fairly well-rounded position.

Mr Waters: You are a lawyer representative, right?

Mr Rotman: Yes.

Mr Waters: Unlike our previous gentleman who was sort of a cross between lawyer and psychiatrist, you are a lawyer representative.

One of the things Mr Bradley mentioned, by the way, was that Penetang is overcrowded. I've attended Penetang on a couple of occasions.

Ms Murdock: As a visitor.

Mr Waters: I've had the opportunity to visit. I can tell you that the staff of Penetang say it is not overcrowded, and when I was there, it wasn't. Under this legislation there are different levels of security and therefore the maximum security institute is not overcrowded at this point. It does, however, need some upgrades.

Mr Rotman: Yes. I've been to Penetang myself.

Mr Waters: As a visitor.

Mr Rotman: As a visitor. I took Mr Bradley's question to be a hypothetical situation of an institution being overcrowded.

Mr Waters: With the new types of hearings I see that a person who is held under a warrant—it has to be between 45 and 90 days of the verdict, and at least once a year thereafter, he has the right to a hearing. With so many people having the right to come in and make their appearances and ask their questions and bring in their witnesses, do you think that is slowing the system down? Also, I go on to read that failure to hold a hearing within the legislated time frame entitles the accused to apply to the court for a release. I would like your comments on all of that.

Mr Rotman: The federal government has certainly created a situation where we are going to have to go into the modern age, use computers and get this organized and going. What is attempting to be addressed, I would presume, or redressed, is that a person who is found not guilty have access to review on a regular basis. You have the old horror stories from before this legislation of people being kept for an extended period of time without review.

Although they may very well have been able to have been reintegrated into the community, they just haven't been in a position to put their case forward. It isn't fair. The idea isn't to incarcerate people and throw away the key. The idea, especially with people who are not criminally responsible because of a mental disorder, is to have that opportunity to reintegrate if they are able, and if it's in the public interest of course.

Mr Waters: I believe Ms Murdock has a question.

Ms Murdock: Just to follow up on that, there is a difference between the Ontario Criminal Code Review Board and the psychiatric review board.

Mr Rotman: Absolutely.

Ms Murdock: But it's been very blurred here, I think. How do you see the function of the Criminal Code review board as being different from the psychiatric review board?

Mr Rotman: The Criminal Code review board is specifically looking at two situations: those people who have to be determined whether they're fit or not fit to stand trial and those people who are not criminally responsible on account of mental disorder. Those are the two specific mandates within this particular board as opposed to the much broader mandate in the other board.

Ms Murdock: Of the psychiatric review board. I know that you're here today as a candidate for the lawyer position on the board.

Mr Rotman: A lawyer position.

Ms Murdock: A lawyer.

Mr Rotman: There are a number of us.

Ms Murdock: Yes, I realize there's a list, a roster I guess. I know the question was asked earlier about the distinction between the lawyer position and the layperson position. As a human being living within the community you're not going in totally isolated from what's happening within the community.

Mr Rotman: Correct.

Ms Murdock: Therefore, how do you see your role as the lawyer rep and your humanness being affected in the decision?

Mr Bradley: Are you suggesting lawyers aren't human?

Ms Murdock: A lot of cartoons certainly make that suggestion.

Mr Rotman: Like Shakespeare: "Hang all the lawyers."

Ms Murdock: I think it's "kill."

Mr Rotman: The problem, I guess, as a lawyer—and I believe, Ms Murdock, you're also a solicitor.

Ms Murdock: I also am, yes.

Mr Rotman: You get framed in a specific way. You have a view of the world which is slanted in legal reference and legal terms. I would think, although I can't differentiate my humanity from my practice of law, given the nature of my practice, in any event I look at things legalistically and try and fit them into that perspective. I believe the layperson on the board provides a third view, which in fact is very beneficial, to temper my view as a lawyer, because I think sometimes my view as a lawyer can overshadow my particular view as a person in the community. I'm prepared to admit that openly. I see things legally.

Ms Murdock: Yes, thank you. Particularly on the paedophile issue that within many communities is becoming so important, if you look at any of the television programming that has gone on recently as to what legislation is actually being considered, I wondered whether or not that would get in the way of the humanity of the issue. Anyway, thank you. I appreciate your time.

The Chair: Anything further? There's about a minute and a half to go? Okay, thank you, Mr Rotman. We appreciate your appearance here today.

Mr Rotman: Thank you.

The Chair: That concludes the business for this morning. We have the one witness this afternoon, so our proceedings will wrap up fairly early this afternoon. We'll break for lunch and see you all at 2 o'clock.

The committee recessed at 1154.

AFTERNOON SITTING

The committee resumed at 1402.

PAUL KELLY

The Chair: Can we come to order, please. Our first witness this afternoon, and our final witness for the day, is Mr Paul Kelly, who is an intended appointee as a member of the Ontario Northland Transportation Commission. Mr Kelly is here. Would you like to come forward please, sir. Thank you for travelling down from North Bay today. I appreciate your appearance here.

Mr Paul Kelly: Thank you.

The Chair: This is a half-hour review, 10 minutes allocated to each party for questions and responses. You were selected for review by the government party. Would you like to say anything, briefly, before we get under way or simply move right into questions?

Mr Kelly: I'll give you a little bit of background about who Paul is. For the last 20-some years I've been a professor at Canadore College in North Bay. I have both a BBA and an MBA. My particular strength, in terms of academic strength, is a combination of marketing and business administration, so that's part of the knowledge I bring to it. Prior to that, I worked for Canadian National for nine years in a variety of middle management jobs, in research development, in passenger sales and, for the last couple of years I was there, in the accounting area. In the accounting area I was particularly involved in internal audit, which is really a polite way of saying that if you can control their money, you can control their activities. So that's the background I bring to the possible appointment.

The Chair: Thank you very much. I appreciate that. Ms Murdock, would you like to begin the questioning?

Mr Bradley: It's a done deal; it's not a possible appointment.

Mr Kelly: Oh, okay.

The Chair: Or Mr Waters. Who is leading off?

Mr Waters: I can ask a couple of questions here. The person from the government party who actually selected you to come before the committee isn't here today, but I found your background quite interesting. You have a very varied background, and I think you might bring a different point of view to the transportation committee. I was wondering if you would care to elaborate on your background and how you think that would assist you in this position.

Mr Kelly: Obviously, although it was long ago, now over 20 years ago, I certainly have, or did have, a considerable amount of, if you will, hands-on, insider knowledge about rail operations and affiliated rail operations like telecommunications and things of that sort. Most of the nine years I was with CN, I was involved in somehow critiquing what they were doing, and sort of looking at Canadian National and saying: "We're doing this. How can we either do it better or, preferably, maybe just do the same thing but do it more cheaply?"

So I had the opportunity to work for a crown corporation that in a sense has the same product, but an awful lot

bigger, especially in those days—a great deal bigger than the then-ONR. So I got to work with a crown corporation. I got to see their problems and certainly the frustrations, the frustrations of a crown corporation that is expected to act in a competitive way or expected to act with somewhat the same criteria as a private business, and yet in many ways is forced to act with a handicap in that a crown corporation is trying to provide, or their mandate is to provide, a service that private industry often would not choose to provide.

For one thing, you're trying to provide the service or the business, or whatever the case may happen to be, where often there's not a sufficient marketplace to really make a positive financial contribution. Also, you're often expected—in fact, almost universally expected—to act as something of a model employer. You are expected not to violate the contracts; you're supposed to be, really, a model for society in how you treat your employees and how you treat your public.

Those are somewhat conflicting mandates: to try to behave as a private enterprise would behave, in that sort of competitive manner, and meanwhile, in effect, being asked to do it with probably one arm behind your back and maybe both arms behind your back. It's a very delicate thing, to be able to meet both requirements. I'm not sure you could ever quite meet both requirements. In more recent years I've come to have the notion that a crown corporation probably will be for ever in sort of the dicey condition of both trying to meet the needs of the public, as we maybe can define the public, while trying to act in a responsible manner towards the public at large—in this particular case, the public of Ontario—and still trying to provide the service of opening up and developing northern Ontario. It's a very difficult task. That's some of what I learned, I suppose, at Canadian National, from having worked in the crown corporation.

Then, as you know, about 20 years ago I decided to go into education. I'm not sure it was a wise decision, but none the less I made it and I've been in it a long time.

Mr Bradley: More money than the Legislature.

Mr Kelly: Well, probably better holidays, anyway, although I may comment about that later.

Starting this week, I'm actually moving out of the classroom for the next year. Canadore College, for whom I work, made a rather different decision about three weeks ago. We have some significant budget problems. That's not unusual throughout the province. But we have developed a number of financial budgeting models, and about three weeks ago the president in effect approached me and grabbed me by the elbow and said, "I want to talk to you for 10 minutes." So now they're pulling somebody out of the classroom who was more or less happy to be back in the classroom and really not worrying about where the money was being spent and what we were doing. If I taught well and the students did well, that was fine. Now I'm going to be preparing the master budgets for the school for the next couple of years, and I think that's a response to—largely,

the faculty did not really buy into the budgeting models developed by the financial people. So what we have here is a situation in which in effect the president is turning to a faculty member and saying: "Okay, you people develop it, then, and I'll pick you to do it. You've certainly criticized some of what we've done. I'll let you do it." I guess that's much of the role I've played for much of the last 30 years.

Mr Waters: One other question I would have: I find with our federal rail system, they seem to be offloading freight on to the roads, to truck traffic. I'd like your opinion as to what northern Ontario—not only the moving of freight around northern Ontario, but there's a lot of freight that goes north-south and all of that. Do you feel that it's more viable to use the road or the rail, or where you see that going?

Mr Kelly: Some of the things I'm going to say I may not be able at this point to actually back up; it's more of an opinion than established fact. There's only a limited area in Canada where the amount of industry, the number of consumers and the number of people are large enough to really make a great deal of financial strength in terms of either transportation of people or transportation of freight. That's largely the corridor from Windsor to Quebec City, and it's very profitable. It's a marvellous opportunity.

1410

But as soon as we move out of that corridor that's only about 700 miles long and perhaps 50 miles wide, the rest of Canada has, in many cases, a fairly small amount of industrial base, a relatively small number of citizens. Running something like rail transportation that has a large amount of fixed cost, and once you lay down the railway line it's darned hard to pick it up and move it over if you've made a 15-mile error or the community that was once in spot A moves 30 miles away because of the development of a mine or whatever the case may happen to be, it's very expensive to move over by rail. I see, in many cases, the use of truck transportation as being probably a better answer.

Part B to that is, as I understand it, but I've been away from it for a very long time and I didn't choose to keep informed, I think there's a case to be made that truck transportation is to some degree subsidized by the way the province and maybe the rest of Canada build their highways, so that the trucks in effect get their carriageway, if you will, not quite for free but a heck of a lot cheaper than building a railway, and that's pretty attractive.

The Chair: Ms Murdock, very quickly.

Ms Murdock: I noticed in your CV that some of your background is in marketing.

Mr Kelly: Yes.

Ms Murdock: It's interesting to note that with the cutbacks from CN-CP, Sudbury, my riding, does not have daily transport by rail to Toronto, as an example, and yet ONTC provides direct daily transport from Cochrane to Toronto. I don't think very many people realize that Cochrane has a daily service and Sudbury doesn't, yet I know that the ONTC also, as you've stated already, is in severe financial difficulty, closing down some of the trucking business and Star Transfer and so on. But what kinds

of things do you see us doing to promote ONTC and its use in northeastern Ontario?

Mr Kelly: Let me try to turn the question around. In turning it around, I may not quite answer it, but then we'll take another run at it if it isn't satisfactory.

Mr Bradley: You could be in cabinet with that skill.

Mr Kelly: That's the opposition side today, is it?

In many cases, I think it's not a situation of providing more service. In some cases, more service is needed. But I think it is the responsibility of a crown corporation—and as I've earlier mentioned, I think it's a very delicate balance—to provide adequate service at the most reasonable cost you can. I said "adequate service," and I'm going to be careful to say not what people necessarily want, because people's wants can always exceed what we're capable of providing, but rather more of what people need or what society needs, and what society, the people of Ontario—and obviously the Legislature of Ontario representing the people—need provided to them and what would be an adequate level of service, whether it be transportation of people or transportation of things or transportation of messages.

So I think it's quite possible that it might not be illogical to provide rail transportation between Sudbury and Toronto. On the other hand, from my background, albeit a long time ago, I personally have the suspicion that there is enough traffic or potentially enough traffic between Sudbury and Toronto to make rail transportation viable.

The Chair: I'm going to have to stop you there, Mr Kelly, and move on. Mr Solá.

Mr Solá: With regard to your background in the rail industry and also because you are from the north, I would suppose you're familiar with the fact that the north is quite supportive of the idea of helping to solve Metro's waste management problems by using the Adams mine in Kirkland Lake.

Mr Len Wood (Cochrane North): Are you sure about that statement?

Mr Solá: I happen to have been on the committee that held hearings on this in Sudbury, in Kirkland Lake and throughout the province, and I can say—

Mr Wood: That survey was 82% opposed.

Mr Solá: Local governments, the business community and even unions were very supportive of the idea. So in light of the general support that at least I perceived for the proposal—maybe the government did not—what are your views with regard to the proposal, first of all to help solve the Metro problem, and secondly to help solve the financial problems of the Ontario Northland railway and safeguard the jobs that are at stake here?

Mr Kelly: I'm going to take a glass of water, because my answer may not please some people. I think the transportation of Metro's waste to Kirkland Lake would be marvellous for the ONTC, but I have some really severe reservations that it's a good answer for the citizens of Ontario and I have some severe reservations that it's a good answer for the people in Toronto.

If we were to transport waste from Toronto to Kirkland Lake, it would certainly provide lots of revenue for the

ONTC, at least in one direction, but we would presumably be sending back empties in the other direction. I've a little familiarity with sending freight cars loaded with product in one direction and sending freight cars back empty in the other direction because you've nothing to return in it.

I don't have any problems whatsoever in terms of the effect on the environment. I'm sure the garbage can be treated such that it's fine in Kirkland Lake or fine placed anyplace else in Ontario, even at the corner of King and Jarvis. The technical problems of the environmental leaching or whatever I'm sure can be solved.

But I'm not very happy about the notion that the citizens of Ontario would pay, in effect, for the next 50 or 75 years as we transport waste some 300 or 350 miles north. I would rather see the money going into some solution that says: "We've had a very large city here for more than 100 years. We're going to have a large city for the next 200 or 300 or 500 years. Let's start to solve the problem now. Instead of shipping the problem"—and yes, it is a problem—"350 miles north where we have a place you can put it, let's look at some other solution that in the long run is a better solution for society than shipping it away."

Mr Sola: Are you saying you're on one side of the argument or the other, or are you sort of playing politics here?

Mr Kelly: No, I'm not playing politics; it's a strange place to play politics. I'm saying that for the ONTC it's a marvellous solution, but I don't think it's a good solution for the taxpayer or for society.

Mr Sola: As a member of the board, would you rule it out because of your concerns for the general population or would you vote in favour of it in order to save the railway?

Mr Mike Cooper (Kitchener-Wilmot): We already made the decision.

Mr Kelly: It's a great question and it really nails me. I'm hard pressed to answer it. I suspect that as a member of the board I would have to support it, but it would certainly be such a lukewarm support that they'd wonder whether or not I was actually supporting the move, because I would carefully say, "Gee, it's great for us and it really does bring in money, but it's not a good answer."

Mr Sola: So you would not be taking the position of the government, that's coming in with a closed mind, with a predetermined solution. The parties on this side have not ruled it in; they just want an environmental assessment to see if it's feasible. I think my colleague Jim Bradley wanted to have a go at it.

1420

Mr Bradley: As you may be aware from news accounts these days, Premier Thatcher—Premier Rae, excuse me—

Mr Kelly: A bit worrisome there.

Mr Bradley: —has changed his views on many things and might well be thinking that everything should make a profit now and that there should be a downsizing and shakedown of many agencies, boards and commissions. From what you have observed as a person residing in northern Ontario, one who has an interest, no doubt, in the

corporation, do you believe it should be permitted to operate at a loss, or should it be a profit-making organization?

Mr Kelly: I think it should serve society's needs, and I think society's needs have to be looked at in terms of how much we can afford to have society's needs served. By the very notion and the very nature of a crown corporation, if it's doing something whereby significant sums of money can be made, I think there's a very strong possibility that private enterprise is going to want in there or is going to already be there. So the ongoing problem with crown corporations, as I see it, is to provide the level of service necessary in this particular case to help develop the north without spending so much money that we in effect are spending a great deal to lead to development that may not ever occur.

I think you perpetually have to rework that equation: What is really necessary to provide the necessary either development of the north or services to the people of the north? But being aware that in all honesty the great bulk of industry is not in the north and the great bulk of people are not in the north, I think there's a distinct limit to what the citizens of Ontario in total can afford to pay to subsidize service to the north.

I believe that's true throughout Canada. Ontario particularly, but the rest of Canada too, has to become more competitive in the days ahead, and we can't afford to spend our resources where they aren't getting a sufficient return. So I think we have to be very careful about what we expect a crown corporation to do. People always have wants; whether it's wise for us to satisfy those wants, I'm very doubtful.

Mr Bradley: That brings about the question, I suppose—I won't say begs the question, because I read somewhere that that's a misused piece of terminology, but I'll ask this question. What that suggests to me is that you believe—and please challenge me if what I'm saying is incorrect—that the public sector should pick up those things which have a potential loss and the private sector should have the gravy train. An example in southern Ontario is that Greyhound wanted in on the routes from Buffalo to Toronto, for instance, because that was a lucrative route, but if you said, "Would you like the run to Owen Sound?" they said, "No, thank you; give that to Gray Coach," which is kind of public sector.

So if Ontario Northland gets stuck with the uneconomic routes, shouldn't it be given exclusive rights to the economic routes where you can make some money, or, if the private sector takes over, shouldn't it be compelled to take the uneconomic routes as well as the economic routes?

Mr Kelly: No, I don't think they should be compelled to take the uneconomic routes as well as the economic routes. I think the very nature of private enterprise is that private enterprise is out to maximize its profits. If I flip the coin over, I think that's where crown corporations really have a role to play, the other side of the coin, where it is not in the interests of society that private enterprise should have it, say the Atomic Energy Control Board of Canada. Obviously, we don't necessarily want private enterprise to

try to maximize its profits in terms of atomic energy, so now it makes sense to have a crown corporation.

Where it's necessary or desirable not to have competition because the citizens are ill-served, I think that's where crown corporations come into being. A third area in which I think crown corporations come into being is that where society needs something that private enterprise just isn't interested in doing, but society says, "We need this," and it's well verified that it is truly needed, I think that is the role of the crown corporation.

The crown corporation, I think, ought not to be competing with private enterprise. I think it has a distinct role to serve, and I think it's a very difficult role to serve, because you're for ever tempted to try to get over to those things that are profitable, but as soon as you get into the things that are profitable, then to some degree you're probably challenging private enterprise. They can probably cut corners that you can't afford to cut, operate in perhaps a more economic way than you can: They don't have to be model employers.

So to try to answer your question, I don't see that there's a necessity that if a crown corporation takes some transportation route that is unprofitable, it should be offset by being given a profitable one. I think their role was to provide that service, and yes, it's a very difficult one: to provide the desired level of service in the most efficient and economic way possible.

The Chair: Mr Turnbull.

Mr Turnbull: Following the same line of questioning, I was quite interested when you said that if private enterprise could make a profit or if the business were capable of giving a profit, you believed that private enterprise would be in there. It's my understanding that Ontario Northland actually operates trucking in northern Ontario in competition with the private sector, much to the chagrin of the private section. Could you comment on that?

Mr Kelly: If I commented, it would just show my ignorance. I don't know the level of competition between the trucking operations of the ONTC in competition with private enterprise. This goes back, not to my knowledge of ONTC or the ONR, but rather to my background of similar charges when I was with Canadian National. While we were doing our own business, in effect doing trucking to get the freight to the trains essentially, which was what we were looking to get it to, we of necessity accidentally ended up in competition with private enterprise. We were trying to move it by rail, but meanwhile we were taking the short hauls by truck in order to get them to the railhead and put them on our freight structure. That may be the situation in northern Ontario, but really I'm speaking from ignorance; I just don't know.

Mr Turnbull: In a general sense, do you think it's good that we should have such activities which are directly in competition with the private sector?

Mr Kelly: In a general sense, no, I don't think crown corporations should be in competition with private enterprise. The one that strikes me as perhaps the most logical, and even that may be questioned, was when the federal government made a crown corporation out of Petro-Canada a

few years ago, in effect behaved in such a way as to say: "There's an oligopoly situation in terms of oil. We want to find out what's happening and we want to have a finger on the pulse of the oil business, and the only way we think we can really have an understanding is to become a player. Therefore we as a crown corporation will enter in as a player alongside private enterprise, and that will put us at the table so that things aren't happening that we don't know about." But that's the situation that best strikes me as where it was valid for a crown corporation to actually act in competition with private enterprise.

Mr Turnbull: I have to say I think it was the most miserable failure of the government.

Slightly straying off it, because a few of the questions before strayed off the main topic of Ontario Northland, talking about the question of subsidies, I note you were suggesting that in point of fact private industry can normally do things cheaper than the state.

There are significant subsidies to norOntair, which operates in direct competition with the private sector; in point of fact, there are routes where it is significantly undercutting the private sector. The proof of that is that on certain flights of a certain duration, they're neck and neck in terms of the fare. For almost double the distance, they're only charging maybe \$10 more, whereas the private sector's charging a few hundred dollars more, quite clearly contributing to the losses norOntair adds up. Since you'll be in a business which is in some ways compatible with that, because it is serving northern Ontario, what are your views on that?

Mr Kelly: My general view on it is that norOntair, or any crown corporation, ought not to be competing where there is an adequate level of private enterprise already providing the service. I don't know the specifics of the one you have mentioned. I think you mentioned, among other things, that norOntair was able to provide for perhaps an increment of \$10 a flight of perhaps twice the distance whereas the private carrier was charging quite a large increment more.

Mr Turnbull: Yes.

1430

Mr Kelly: Of course most of the cost, as you know, is getting them on to the darned plane and, once they're there, off. The transportation cost once it's in the air is in a sense fairly modest.

Mr Turnbull: That isn't quite true.

Mr Kelly: No, but in general it doesn't cost that much more to go 200 miles than 150 miles because a lot of your costs are pretty well fixed, you know, the airport at either end, that sort of thing, charging off the airplane. Certainly, there will be incremental costs through going the incremental distance, but they aren't at the same level. The first mile is the most expensive.

Mr Turnbull: Certainly \$10 is not the sort of economic amount.

Mr Kelly: No.

Mr Turnbull: I'm specifically talking about Bearskin, which is the direct competitor.

Mr Kelly: Let me try to answer the question specifically as I hear you asking it. I do not believe a crown corporation ought to be competing if there's already adequate service provided by a private enterprise.

Mr Turnbull: In the situation we find that there is that, whether it originated that way or not, if today you have the two competing and an adequate service can be provided by the private sector unsubsidized, do you feel it appropriate for us to continue to spend government subsidy dollars in maintaining services in competition with the private sector?

Mr Kelly: On the surface, no.

Mr Turnbull: Would that be one of the principles that you would bring forward to Ontario Northland?

Mr Kelly: It is.

Mr Turnbull: Good. Okay, that's fine.

The Chair: Fine. That concludes your appearance here, Mr Kelly. Thank you again for coming down. We wish you well.

Mr Kelly: Thank you very much.

Mr Bradley: You're in. You were in before you got here, so that's the good news.

The Chair: There's a note on the bottom of your agenda about Daniel Alguire. This is sort of a continuing irritation, I guess is one way of describing it.

Mr Bradley: Is this guy ducking—

The Chair: We've certainly been making every effort to have the individual attend and he continues to avoid us, so we've indicated to the appointments secretariat that it's still the wish of the committee and the subcommittee to have this gentleman appear before us. Our request is essentially that he not receive final approval until he does appear before us. We've made a number of requests now and he's had vacations or a variety of reasons.

Mr Turnbull: Mr Chairman, can I suggest that we move a motion that he not be allowed to sit on any board until he appears before us.

The Chair: We've made that request in the sense that his order in council will not be finalized because of the failure to appear before us. In a sense, he's in limbo—at least we've made that request to the secretariat—until—

Mr Turnbull: And he will receive no income during this period?

The Chair: Oh, no, he's not a member until he's been through this committee. I just wanted to make you aware of that.

Mr Bradley: For clarification on this, Mr Chair, generically speaking, in this circumstance where people have not appeared before the committee who have been requested to appear before the committee, do we have a standard policy that we follow in this committee or is this ad hockery right now? I can't remember that we've been confronted with this before. We may have, but I can't remember that we have.

The Chair: We've been confronted with it before, and it depends on the circumstances of the situation. If there are valid reasons for the individual not being able to appear, we've simply requested an extension, or if there are grounds for him or her not appearing and there's a need for that individual on the specific ABC, we've allowed it to go through. We deal with them on an individual basis on the merits of the case. But in this one we've had a variety of reasons which have not been terribly persuasive. That's why we continued to ask for extensions.

Okay. The final matter on the agenda is the—oh, sorry, Mr Waters.

Mr Waters: I'm going to have to request a 20-minute recess at this point, if I may.

The Chair: For what reason?

Mr Waters: Before we go into the final deliberations.

The Chair: You're doing this under the standing orders?

Mr Waters: Yes.

The Chair: Why don't we get the motion on the floor? Then you can make the request.

Mr Waters: Okay.

The Chair: Can we have a motion in respect of the witnesses who have appeared before us today that the committee concurs with the appointments reviewed? Can we have a motion to that effect?

Mr Waters: Yes.

The Chair: Moved by Mr Waters.

Mr Waters has made a request under the standing orders for a 20-minute adjournment prior to the vote being called, so we will adjourn. We will reconvene for the vote in exactly 20 minutes.

The committee recessed at 1436 and resumed at 1452.

The Chair: I call the meeting back to order. We have a motion before us, moved by Mr Waters, that the committee concur with the intended appointments reviewed today. Any discussion on the motion? Seeing none, all in favour? Opposed? The motion carries. Meeting adjourned.

The committee adjourned at 1453.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

- *Chair / Président:** Runciman, Robert W. (Leeds-Grenville PC)
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- *Frankford, Robert** (Scarborough East/-Est ND)
Grandmaître, Bernard (Ottawa East/-Est L)
Marchese, Rosario (Fort York ND)
Stockwell, Chris (Etobicoke West/-Ouest PC)
- *Waters, Daniel** (Muskoka-Georgian Bay ND)
Wiseman, Jim (Durham West/-Ouest ND)

***In attendance / présents**

Substitutions present/ Membres remplaçants présents:

Cooper, Mike (Kitchener-Wilmot ND) for Mr Ferguson
Murdock, Sharon (Sudbury ND) for Ms Carter
Rizzo, Tony (Oakwood ND) for Mr Wiseman
Sola, John (Mississauga East/-Est L) for Mr Grandmaître
Turnbull, David (York Mills PC) for Mr Stockwell
Villeneuve, Noble (S-D-G & East Grenville/S-D-G & Grenville-Est PC) for Mr McLean
White, Drummond (Durham Centre ND) for Mr Wiseman
Wood, Len (Cochrane North/-Nord ND) for Mr Marchese

Clerk / Greffière: Mellor, Lynn

Staff / Personnel: Pond, David, research officer, Legislative Research Service

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